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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 78 NEW YORK, MONDAY, OCTOBER 2, 1933 TEN CENTS

No Increases Are in Sight At Milwaukee

Business Good, But All Await Developments

MILWAUKEE, Oct. 1.—To date there has been no general increase in admission prices in the Milwaukee territory. There have been rumors of contemplated step-ups from time to time, but apparently because local houses have enjoyed fairly good business during the past six weeks the boost has not been made. Downtown local first runs particularly have been getting a fairly consistent stream of convention business. Accordingly, prices have remained at an even level for the past several months at the local first runs as well as at the neighborhood houses.

Houses in some sections of the state have raised the ante, while in others it has been lowered. The Rivoli in Two Rivers is an example of the former, going from a 25 to 30 cent top, while the Mikado and Capi-

(Continued on page 4)

Kansas City First Runs Shift Product

KANSAS CITY, Oct. 1.—New product deals have resulted in a switch at two first run theatres here. Universal pictures, last year shown at the RKO Mainstreet, will be first run at the Fox Uptown. First National shifts from the Uptown to the Mainstreet.

Outside of that and the possibility the Pantages and Empress, soon to be reopened, will take up some of the majors' excess product, there are no changes in the first run setup. Loew's Midland retains M-G-M and United Artists, with an occasional date open for an independent release. The Publix Newman, as in the past, will play Paramount and Warners. Fox will share playing time with Universal at the Uptown, while Radio and Columbia will be the Mainstreet's mainstay.

Seattle Exchanges Win Cuts in Taxes

SEATTLE, Oct. 1.—Superior Judge John M. Ralston has reduced tax assessment made by the county assessor upon several hundred thousand feet of film owned by Seattle distributors.

The companies sued, claiming the assessor was in error in his contention that film is worth one and one-half cents per foot regardless of age. The companies also contended that

(Continued on page 4)

Decentralized Fox Theatre Buying Starts for 1933-34

Decentralized buying of all Fox theatres throughout the country gets under way with purchase of product for the 1933-34 season. With all product deals formerly handled in New York under the general supervision of E. L. Alperson, new buys for the five theatre groups are being handled individually by Edward Peskay for Skouras theatres in New York, New Jersey and Long Island; Rick Ricketson for the Denver Rocky Mountain group; Elmer Rhoden for the Kansas City area; H. J. Fitzgerald for the Milwaukee zone, and J. J. Sullivan for Fox West Coast.

Sullivan and Rhoden are now in New York negotiating deals. They have closed for some product and expect to complete the rest of the list shortly. Peskay also has signed a number of contracts. Ricketson and Fitzgerald will consummate deals locally.

Freedom on Duals Ought to Go for All, Majors Argue

If duals are to be determined by individual exhibitor decision, the unlimited freedom idea in handling this tough-to-crack issue should have all shackles removed and apply alike to individual distributors. This represents the latest development in the ranks of major companies, sans Universal and Columbia on twin bills.

Squarely in the middle of those heated Washington arguments, pro and con, last week was deposited word from the majors, presumably all but Universal and Columbia, that they held no brief for duals either way, but that they did reserve their individual rights to meet the trade practice as they saw fit. It was this decision which wiped out of the code picture an earlier decision to settle twin bills by a two-way 75 per cent theatre vote, one from active affiliated houses and a second 75 per cent from active independent theatres.

Many exhibitors and all of the independent producers and distributors realized at once that these "individual rights" referred to the existence in individual major company contracts for film service of a clause prohibiting

(Continued on page 4)

Fox Midwest Again Buying From M-G-M

KANSAS CITY, Oct. 1.—Purchase by Fox Midwest of M-G-M product for city houses after a lapse of a year signalizes healing of the breach that occurred when, last year, M-G-M established an exclusive run policy at Loew's Midland, which was discontinued shortly before the new selling season began.

The deal also is considered a forerunner to a boost in admission scale at the Midland from 25 to 40 cents, placing it on a par with other first runs. The low price has been the subject of much discussion and the target of objection by other first runs, as well as subsequents. Exhibitors are speculating whether Fox Midwest will be content to follow the Midland at the Plaza and Isis, suburban houses

(Continued on page 4)

30-Hour Week Is Sought in Labor Report

WASHINGTON, Oct. 1.—A 30-hour work week at wage levels sufficient to maintain present rates and increases in pay for mechanics and skilled labor to restore the former differentials between them and unskilled groups covered by codes is demanded in a report of the executive council of the American Federation of Labor to be submitted at the opening of the annual convention here tomorrow.

Recovery codes so far adopted, the council declares, disclose definitely that the hours so far adopted are too long to assure the absorption of millions without jobs and the wages are so low purchasing power is lagging behind production.

Administrative provisions in various codes are also criticised for their

(Continued on page 4)

New Contract Form Delayed By Code Talks

Revision of Clauses Is Considered Certain

Use of the optional standard contract, which six major companies agreed last January to put into effect, has been sidetracked in new season selling to date, as a result of the industry code deliberations which are regarded as certain to revise many clauses of the form agreed upon nine months ago. In the meantime, individual company contract forms are being used in new season selling.

Unless the industry code, when adopted, is made retroactive, indications are that a standard form of licensing agreement will not come into general use in the industry until the 1934-35 selling season. In the face of the possibility of the code being made retroactive, however, some distributors have provided for this eventuality by inserting clauses in their individual contracts for deals closed earlier which would grant the exhibitor any material benefits resulting from the industry code. This was done to avoid the necessity of covering the field twice, and re-making deals already closed under the old contracts. In these cases the changes resulting from the code would go into effect automatically.

If the code is not made retroactive, individual negotiations under contracts

(Continued on page 4)

Ray Long Is Signed As Columbia Editor

Ray Long, for 13 years editor of *Cosmopolitan* and before that editor of *Red Book*, has been signed by Harry Cohn, president of Columbia, as editorial executive.

Long has just returned from the South Seas. He will make his headquarters in Hollywood and will gather a group of writers about him to handle the company's future product.

Portland Theatres In Booking Combine

PORTLAND, Oct. 1.—This town has a new booking combine called Associated Theatres, Inc. It will book vaudeville acts as well as pictures.

Officers are: President, G. T. Woodlaw, owner of the Circle and other houses; vice-president, W. A. Graeper of the Egyptian; secretary,

(Continued on page 4)

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Finney at Monogram

Edward Finney, formerly in charge of publicity for United Artists and associated with that company for past several years, assumes his new post today as publicity and advertising director and story editor of Monogram Pictures. His first assignment will be in the company's campaign on "Sweetheart of Sigma Chi," one of Monogram's most important releases on its current schedule. The first prints are being shipped from the studio now and are expected here within the next few days.

More Vaude in Prov.

PROVIDENCE, Oct. 1.—More competition is coming for the vaudeville houses. The RKO Albee which has been on a straight picture policy all summer will go back to vaudefilm bookings starting Oct. 6. The management intends to book in some top-notchers, leading off with Paul Whiteman and his band and following with Morton Downey. William Faucher's orchestra has the job in the pit.

Freuler on Coast

HOLLYWOOD, Oct. 1. — John R. Freuler, president of Monarch Productions, has arrived here after a number of stopovers en route for the purpose of getting the season's production under way.

BEN BLUE
Now Working In
WARNER BROS. SHORTS
Produced by SAM SAX
Direction: LEO MORRISON

Insiders' Outlook

FILM wives go lonely again. The gang is packing bags preparatory to the third descent on Washington, all for the sake of the code. The deputy administrator says this time will be final. He said that twice before and, of course, meant it each shot. But complications began to set in then and who knows that they won't again? After all, Mr. Ford never signed the motor code. . . .

▼

Not so strange after all is the silence blanketing that much-heralded Northern California buying combine known as Co-operative Film Buyers Association. This was the outfit that was careless enough to talk about $10,000,000 as its total purchasing power, thereby tipping its hand far more than it realized at the time. It was aimed at Fox West Coast. Bob McNeill and some others, so the story ran. As a matter of fact, the whole idea came largely out of the head of William Wagnon, operator of the Orpheum in San Francisco, who needed product and thought he'd get it by stirring up things. . . .

▼

Apollinaris, the Greek theatre operator in "Footlight Parade" and the fellow who blames his indigestion on overeating, is a take-off on Spyros Skouras. The prologue producers in the same picture sound suspiciously like Fanchon and Marco. "By a Waterfall," one of three big production numbers, has never been duplicated in pictures before. Has dozens of girls above, on and under the water in all sorts of routines and formations and is different. Negative cost on this one sequence: $97,000. . . . Departure of Ben Kahane for Hollywood indicates the majors know what they want and how far they'll go on the code. . . .

▼

M-G-M doesn't want circuit buyers at exchange screenings and the reason is bookings reputedly are being affected by unfavorable comment when a weak sister comes along. Aside from that, Leo says many of those screenings are plotted to get sales reactions and result in returning pictures west for brushing up and retakes. . . . How will the independents, also exhibitors, answer new distributor arguments on duals and individual rights? Flip this sheet back to page one for what the majors say. . . . The codifiers will have the World's Series in Washington the end of the week. That's a consolation. . . .

KANN

Duals Help N. O. House

NEW ORLEANS, Oct. 1.—Double bills are the rule at the Orpheum since vaudeville was abandoned. The idea seems to have struck the public fancy and it is reported Manager Vic Meyers is now using only black ink on his report sheets.

Waring-Nair Knot Tied

CHICAGO, Oct. 1.—Fred Waring, orchestra leader, was married here yesterday to Evelyn Nair, stage dancer and screen player, who arrived from Hollywood by plane for the ceremony.

Union Men to Get Money

NEW ORLEANS, Oct. 1.—Approximately $4,000 belonging to the operators of the Dauphine, and part of the account of the Musicians' Union, will be released by the Interstate Bank here, which recently went off a five per cent payment basis, and when reopened will pay full amounts on all accounts.

Evelyn Egan Joins Ryan

HOLLYWOOD, Oct. 1.—Evelyn Egan, formerly with Christie casting office, has taken over the casting job for Phil L. Ryan productions.

Eastman Kodak Off 3½ Points

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23¼	23	23¼	+1¾	200
Eastman Kodak	78¼	76	76½	—3½	400
Fox Film "A"	15½	15	15	— ½	400
Loew's, Inc	30¾	29	30¾	+ ¾	2,400
Pathe Exchange	1¼	1¼	1¼	.....	500
Pathe Exchange "A"	8	7⅝	7⅝	— ⅜	200
RKO	2⅞	2⅝	2⅞	.....	200
Warner Bros.	7⅜	6⅞	7⅜	+ ½	10,600

Curb Market Dull

	High	Low	Close	Net Change	Sales
Technicolor	7½	7½	7½	— ¼	200
Trans Lux	1⅝	1⅝	1⅝	.....	100

Warner Bros. Off 1¼ Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4¾	4¾	4¾	.....	6
General Theatre Equipment 6s '40 ctf	3⅝	3⅝	3⅝	.....	1
Keith B. F. 6s '46	46	45⅜	45½	+ ¼	3
Loew's 6s '41 ex war	83¼	83¼	83¼	— ¾	4
Warner Bros. 6s '39 wd	45	44⅛	44¼	—1¼	22

Purely Personal

ARTHUR M. LOEW, by this morning, will be a four-day-old bridegroom. He married BARBARA SMITH LEVANT, divorced wife of OSCAR LEVANT, pianist and composer, late Friday afternoon. DAVE BLUM of M-G-M was present, knew in advance what was happening, but never peeped about it to anyone.

JOHN KRIMSKY, out to get audience reactions to "The Emperor Jones" and learn audience likes and dislikes at first hand, is starting a cross-country theatre tour at Baltimore.

ROLAND YOUNG opened Saturday in Wilmington, Del., in Clare Kummer's new play, "Her Master's Voice." Today the actor goes to Philadelphia, where the play is scheduled for a two-week engagement before its Broadway opening.

HENRY GINSBERG is keeping up to form by bringing in a cold with him from the coast. It happened this trip and the last one.

FRANK POPE of the Paramount coast publicity department hasn't been in town a week and he is longing for Hollywood already.

WILL HAYS returns from a week-end at Sullivan, Ind., this morning. Looks like Washington for him later in the week.

LUMSDEN HARE, who spent the summer season in summer stock, is returning to Hollywood to play in "Romance of Two Worlds" for RKO.

SALLY BLANE has just returned from a European trip. She has no immediate picture plans.

COLIN CLIVE is in town on his way from England to Hollywood to start work in "Eight Bells."

LESLIE BANKS is also here, en route to the Radio studio for "Stingaree."

HERSCHEL STUART is here from Detroit, conferring with Publix officials.

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New York City

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FURNISHED OR UNFURNISHED
By the Year, Month or Day

Serving Pantries
Electric Refrigeration

JOHN W. HEATH, *Manager*

Universal's New Deal!

ESSANESS THEATRE CIRCUIT

Edwin Silverman—Emil Stern—Sidney Spiegel

Twenty-two Chicago Theatres—American, Biograph, Broadway Strand, Buckingham, Byrd, Center, Crawford, Crown, Davis, Devon, Embassy, Four Hundred, Julian, Keystone, Lamar, Michigan, Sheridan, Vogue, West End, Orpheus, Irving, Argmore, sign for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

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***Thanks,* Messrs. Silverman, Stern and Spiegel, for your confidence in Universal Pictures. We will do our part.**

No Increases Are in Sight At Milwaukee

(Continued from page 1)

tol theatres in Manitowoc recently dropped their tops five cents for Sundays and holidays and 10 cents for week days. All three are independents.

Present indications are that prices will be upped where conditions are sufficiently bright to warrant such action, otherwise they will be retained at the existing level. Milwaukee county exhibitors are adhering almost 100 per cent to their agreement providing against the mentioning of prices in advertising.

Houston Managers on Watch for a Pickup

Houston, Oct. 1.—Managers here are watching the national price situation closely, but are non-committal on the question of higher scales locally. R. J. O'Donnell, general manager of the Hoblitzelle circuit, which takes in all but one of the Houston major houses, will make no prediction.

The Hoblitzelle theatres have price scales of 50 cents top for the Metropolitan, which includes tax; 40 cents for the Majestic, and 35 cents for the Kirby. All have 25-cent matinee prices from 11 a. m. to 6 p. m.

Loew's State has a top of 40 cents, and a 25-cent matinee scale. Manager W. V. Taylor declared he did not believe prices would be raised at his theatre very soon, although it is known that the home office has made inquiry into the possibilities of price raising here.

Neighborhood theatres do not contemplate raisings, "at least until after Christmas, when we see how NRA takes," as one of the independent managers expressed it. These scales are 15 and 25 cents, with 10 cents for children at all times.

The Will Horwitz three "Homefolks" theatres "have not and will not increase prices one iota," according to the management. These houses have held to the same prices through thick and thin since their opening. They are subsequent runs. Of these, the Texan has for seven years played to five and 15-cent prices until 7 P. M., and then to five and 25 cents, lower floor and balcony alike. The Iris, opened 15 years ago, still plays at five and 15 cents all over the house all the time, and the Ritz, five years old, follows the same policy.

No Increases Looked For in New Orleans

New Orleans, Oct. 1.—No increases in sales are expected here this season. The prevailing top is 25 cents afternoons and 40 cents evenings for straight pictures. This is the scale at the Saenger and Orpheum across the street, although the Orpheum top is 35 cents.

The St. Charles, on a double feature basis, holds to a 25-cent top, and the Liberty, where occasional first runs are set in, maintains a top of 20 cents at night.

There has been some talk of increases, but managers are said to have decided against it on the theory that business has not picked up enough to warrant them, and any experiment along these lines might stir up resentment.

Increased costs under the NRA had been worrying showmen, but the walkout of musicians and stage hands solved this problem. Union operators have been replaced by non-union men in a number of spots.

Freedom on Duals Ought to Go for All, Majors Argue

(Continued from page 1)

the exhibitor from running such product on the same bill with another feature. This, those many exhibitors and the independents said they would not go for.

Distributors, however, now poise this argument:

"You want double features settled by individual decision. We agree with that, but the recognition of individual rights which you insist upon is something you deny us. If, by an added in clause, we, or some of us, determine we will not sell unless the theatreman agrees not to double our product with another feature, what can the objection be? Certainly that is as much our individual decision to make as yours is to determine that each exhibitor is to figure for himself what he wants to do about twin bills."

Majors are understood to feel this is no back-door method of killing off duals. No exhibitor is compelled to deal with a distributor whose contracts contain the rider clause, but is privileged to sign elsewhere, according to the attitude reported prevailing in major ranks.

Fox Midwest Again Buying From M-G-M

(Continued from page 1)

charging the same as the downtown first run, with the usual protection in effect.

Informed opinion is the Fox deal with M-G-M will be an important factor in ironing out local price difficulties, and unofficially it is said the Midland will go to 40 cents in 30 days. It is known that last summer Loew's considered stage shows for the Midland at higher admissions, but this fell through.

Recently, the Publix Newman and the RKO Mainstreet joined with the Independent Theatre Owners' Ass'n. in an effort to get Loew's to raise its local top. Jay Means, president of the independents, informed the New York office Kansas City exhibitors offered to eliminate dime admissions and double bills if the Midland's top were set at 40 cents or more. J. R. Vogel of Loew's promised something would be done about it. However, Means says that in view of recent developments, the independents are not sure they want to stick by their original offer, so the local price situation remains as muddled as ever.

Portland Theatres In Booking Combine

(Continued from page 1)

William Cutts, proprietor of the Kenton and an attorney; treasurer, Mrs. C. B. Hudson of Hudson's Colonial; general manager, George E. Jackson, manager of the Circle.

Included in the combine are the Bob White, Columbia, Circle, Alberta, Moreland, Colonial, Geller's Aladdin, Walnut Park, Granada, Venetian, Irvington, Egyptian and Bagdad theatres.

30-Hour Week Is Sought in Labor Report

(Continued from page 1)

failure to provide labor representation on control committees.

Possible effects of this recommendation on the labor clauses of the film production and exhibition codes are causing speculation here.

Referring to jurisdictional disputes between the I.A.T.S.E. and the I.B.E.W unions and like troubles in other union groups, the council reported it was continuing efforts to adjust such disputes, "but by reason of conditions growing out of the unprecedented industrial depression and the terrible state of unemployment there has been little we could do." Recommendation is made that all such matters be left in the hands of the executive council to continue efforts towards adjustment.

Seattle Exchanges Win Cuts in Taxes

(Continued from page 1)

valuation applied only during the first 30 days, and that at the end of six months the films were worth only 10 to 20 cents per reel.

The court held the film worth one and one-half cents per foot until six months old, and thereafter had a nominal value of 25 cents per reel.

"Henry VIII" Gets Big Paris Opening

Paris, Oct. 1 (*By Cable*)—Opening of "The Private Life of Henry VIII" at the Lord Byron here last night was an outstanding social event. Among those present were Princess Louise, sister of King George; Lord Tyrrell, British ambassador; Theodore Marriner, American charge d'affaires; Arthur W. Kelly, Ludovico Toeplitz, Carl Laemmle, Charles Laughton and Mrs. Laughton, Maurice Chevalier, Lily Damita, and the former Prince of the Asturias and his wife.

Steerman Back on Job

Pittsburgh, Oct. 1.—Ben Steerman, local auditor for Warners, is back on the job after six weeks on the coast. He traveled by air both ways.

New Contract Form Delayed By Code Talks

(Continued from page 1)

already closed are regarded as almost certain to gain for exhibitors any advantages accruing from the code and not included in their contracts already signed.

Caused by Uncertainty

Uncertainty as to the treatment the standard contract form would receive in the code was responsible for the employment of individual company contracts in early season selling. Distributors were of the opinion that less confusion would result from employing a single contract form, in the event the code necessitates significant contract changes, than would be the case if both a company contract and a standard form were in use when the changes became effective.

This marks the third set-back of efforts to put a standard pact into work in the industry, the first having occurred with the failure of the 5-5-5 conference to agree on a standard form, and the second having occurred two years ago when, after a form had been agreed upon by a majority of exhibitor representatives, ratification by distributors was withheld because of their apprehension over possible conflict with anti-trust laws.

The standard contract was again nurtured into existence by M. P. T. O. A. leaders a year ago and after several months of confabs was approved as an optional form by six major distributors, Fox, Paramount, M-G-M, Radio, Universal and Columbia. Anti-trust law objections of most distributors were overcome at that time when it was decided to make the contract available in addition to individual company contract forms, the standard pact to be used only when requested by the exhibitor. Warner and United Artists were still fearful of anti-trust complications, they said, and did not ratify the pact.

Warner Managers in Philadelphia Shift

Philadelphia, Oct. 1.—Warner theatre managers are in the middle of what looks like a general shift.

L. B. Graver has been transferred from the Stanley to the Boyd, while Steve Barutio of the Boyd has gone to the Strand, the former manager of which, A. Anderson, is out. E. Bailey replaces Graver at the Stanley, moving over from the Logan where A. L. Klein becomes manager. The latter was at the Ogontz. Jack Ross, former Stanton manager, has gone to the Ogontz, replacing Klein. A. Blumberg takes over the Stanton management, thereby filling in all of the gaps and shifts.

Old Roxy to Start Broadcasts Tonight

First of a series of sponsored radio broadcasts from the 7th Ave. Roxy stage will start tonight at 8 o'clock. The plan is to hold them Monday, Wednesday and Friday nights hereafter. Louis A. Witten will be the announcer, and Billy Jones and Ernie Hare will be featured.

Eastern Production Number

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

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VOL. 34. NO. 79 NEW YORK, TUESDAY, OCTOBER 3, 1933 TEN CENTS

Production in the East Zooming to a New High

NRA's Effect On Anti-Trust Cases Studied

Delay on Warner-F. N. Trial Looked For

The possibility that the anti-trust suit brought against Warners by the Department of Justice as a result of the acquisition by Warners of a controlling interest in First National may be indefinitely suspended or dismissed on the adoption of an industry code to which Warners is a party was voiced yesterday by corporation lawyers associated with the case.

The Warner anti-trust suit has been pending in Federal courts here for

(*Continued on page 6*)

Paramount Will Get "Angel" on Oct. 13

Mae West in "I'm No Angel" will alight at the New York Paramount instead of the Rivoli, the picture going into the Times Square house on Oct. 13, following "The Torch Singer."

Orginally allotted as one of the four Paramount films for the Rivoli for 1933-34, the picture was set to go into the U. A. house following "Emperor Jones." With three new releases on hand, United Artists decided

(*Continued on page 3*)

Fox Signs Joe Cook, To Start in Spring

Following closely the engagement of George White, Erik Charell, Charles B. Cochran and Arch Selwyn, Sidney R. Kent, president of Fox, announced yesterday that he had signed Joe Cook to appear in Fox pictures.

Cook is at present appearing on Broadway, and will be unable to leave for the coast until the spring. Dave Chasen, Cook's assistant, will also appear in the films with him.

BIP and ABC Merger Completed, Says Dent

With the merger of B.I.P. and A.B.C. approved by the board of directors of both companies, the new name of the company is Associated British Pictures Corp., Maurice Arthur Dent, a director of both companies, stated

(*Continued on page 6*)

Kahane Says Code Goal Is Now 20 Days

ALBUQUERQUE, Oct. 2.—If Deputy Administrator Sol A. Rosenblatt is successful in his intentions, the film industry's code will be ready for President Roosevelt's signature in 20 days, declared B. B. Kahane, president of Radio Pictures, as he passed through here today en route to the coast. Kahane said producers have practically agreed on all their provisions and rapid progress is being made on points disputed by exhibitors and distributors.

Article 9 in the producers' code governing agent-talent-producer negotiations and Article 10, pertaining to "star raids," will be more drastic than

(*Continued on page 6*)

Iowa-Nebraska Men Line Up Code Views

OMAHA, Oct. 2.—Since his return from the Washington code hearings Lester F. Martin, business manager of Allied of Iowa and Nebraska, has been lining up independents in an effort to impress Deputy NRA Administrator Sol A. Rosenblatt on the right to buy issue.

A letter signed by a committee or-

(*Continued on page 3*)

Brandt Code Advisor

Washington, Oct. 2.—Joe Brandt today was appointed official advisor on the film code by the National Recovery Administration, it was stated by Deputy NRA Administrator Sol A. Rosenblatt.

Brandt has been consulted frequently by Rosenblatt since the start of the code hearings.

Agent, Star Clauses Not Settled Yet

WASHINGTON, Oct. 2.—Possibilities that the work of revising the industry code will not be completed until almost the very moment it is scheduled to be submitted to the industry for approval on Wednesday were seen here today with Deputy NRA Administrator Sol A. Rosenblatt's statement that the awaited recommendations on Articles 9 and 10 of the code are still in the hands of the producers.

The clauses relate to activities of agents and restrictions on "star raiding."

Sidney R. Kent, Nicholas M.

(*Continued on page 3*)

Duals "Unfair"-Meyer; Johnston Fights Control

WASHINGTON, Oct. 2.—Duals are "cut-throat competition," asserts Fred S. Meyer, chairman of the committee on public relations of the M. P. T. O. A., in a letter to Deputy NRA Administrator Sol A. Rosenblatt, and he advances this as the chief argument for their control in the industry code.

"Individual decision is all right

(*Continued on page 3*)

Dual billing restrictions in major company contracts are a "direct violation of the spirit of the NRA code," asserts W. Ray Johnston, president of Monogram.

Continuing his campaign for complete freedom of exhibitor choice on dual bills, Johnston says: "Major film companies have agreed to strike the dual bill clause out of the code

(*Continued on page 3*)

Greatest Effort in Four Years Marks the Revival Move

The Eastern Production Number begins on page 13, this issue.

More production activity is under way in and around New York than has prevailed in the last four years, and the end is not yet in sight.

Encouraged by interests which are of the opinion that the answer to sustained, quality production can best be achieved through the setting up of fair, but healthful competition with Hollywood which has been the center of 90 per cent or more of the picture-making activities of the industry since Paramount pulled up stakes at Astoria and concentrated all of its activity on the West Coast, the move to return a portion of the industry's production to the east has been gaining impetus in the last few months.

Aside from most of the cartoon producers, who, for years, have maintained headquarters in New York, there are working, or about to start work today, about 20 companies whose plans include features and shorts.

Availability of talent, in view of New York's proximity to the stage and radio fields; elimination of staggering overhead made possible through

(*Continued on page 6*)

Big Coast Actors Walk on Academy

HOLLYWOOD, Oct. 2.—Dissatisfied with representation of the Academy of M. P. Arts and Sciences, a group of first-string actors wired their resignation last night, to take effect at once.

The wire was signed by Adolphe Menjou, Robert Montgomery, George Bancroft, George Raft, Ralph Bellamy, Kenneth Thompson, Warren William, Fredric March, Chester Morris, James Cagney, Gary Cooper, Paul Muni, Boris Karloff and Frank Morgan.

The players, disclaiming resentment

(*Continued on page 6*)

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JAMES A. CRON
Advertising Manager

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WE DO OUR PART

Mrs. Talmadge Buried

HOLLYWOOD, Oct. 2.—Funeral services for Mrs. Margaret Talmadge, mother of Natalie, Norma and Constance Talmadge, were held at the Hollywood Chapel today. Mrs. Talmadge died Friday.

Noted players and producers acted as ushers at the funeral chapel. Mrs. Talmadge was buried beside her husband, Fred Talmadge, Brooklyn real estate man, who died here in 1925.

Dowling's Mother Dies

Mrs. Bridget Dowling Goucher, mother of Eddie Dowling, died at her home at Limerock, R. I., Sunday. She was in her 75th year.

In addition to Dowling, who had been with his mother the past week, surviving children include William F. Goucher, recently named U. S. Marshal for Rhode Island. Mrs. Goucher lived in Limerock all her life.

Cohen Deal on Palace Off

By mutual agreement RKO and Sydney S. Cohen have dropped negotiations for a lease of the Palace by the latter. Herman Whitman has been appointed manager and the present vaudefilm policy will be continued.

Intelligent Trailers
Supreme
Screen Service

General Film Library, Inc.
Morris J. Kandel, Pres.
World's Largest Stock Shot Library
Over 20 Million Feet of Indexed Negatives
Instantly Available
729 - 7th Ave. BRyant 9-4417 N. Y. C.

Most Stocks Show Loss

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23	22½	23	— ¼	400
Consolidated Film Industries, pfd	8⅞	8⅞	8⅞	+ ⅛	100
Eastman Kodak	76½	76¼	76¼	— ¼	400
Eastman Kodak, pfd	125⅞	125⅞	125⅞	— ⅛	3,000
Fox Film "A"	16½	15¾	15¾	+ ¾	700
Loew's, Inc.	31⅜	30	30	— ¾	2,300
Pathe Exchange	1⅜	1⅛	1⅛	— ⅛	600
Pathe Exchange "A"	8	8	8	+ ⅜	300
RKO	2⅞	2¾	2¾	— ⅛	400
Universal Pictures, pfd	23	23	23	—1	1,000
Warner Bros.	7½	7	7¼	— ⅛	2,400

All Curb Stocks Rise

	High	Low	Close	Net Change	Sales
Columbia Pictures	23¼	23¼	23¼	+ ¼	100
Technicolor	8½	7¾	8	+ ½	1,200
Trans Lux	1⅞	1⅞	1⅞	+ ¼	200

Paramount Broadway Slumps 4 Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5⅜	5¾	5⅜	+ ⅝	3
General Theatre Equipment 6s '40, ctf	3¾	3⅜	3⅜	.....	15
Loew's 6s '41, ww deb rights	83	83	83	— ¼	7
Paramount Broadway 5½s '51	31½	31½	31½	—4	1
Paramount F. L. 6s '47	29½	29½	29½	— ½	6
Paramount Publix 5½s '50	31½	31½	31½	+1⅜	3
Warner Bros. 6s '39, wd	45	44¼	44¼	.....	16

Purely Personal

DICK HENRY, foreign booking agent of the Curtis & Allen Agency, sails October 7 on the *S. S. Lafayette* for a three-day stay in London, during which time he will cover the Crazy Show at the Palladium.

LEON SCHLESINGER, producer of the "Looney Tunes" and "Merrie Melodies," flew into New York yesterday to confer with Norman H. Moray, Warner short subject sales manager.

ERNIE HARE and BILLY JONES were tendered a dinner last night at the 7th Ave. Roxy in honor of their appearance on the first commercial broadcast from the theatre.

RALPH WHITEHEAD, secretary of the Actors Betterment Association, who was injured a few weeks ago at the code hearings in Washington, is again back at his desk.

MORAN AND MACK will replace HARRY RICHMAN and MILTON BERLE on the Old Gold Hour beginning Oct. 25. This was arranged through the offices of HERMAN WEBER.

HELEN HAYES will broadcast a scene from her last picture, "Night Flight," over NBC network from WJZ at 9 P. M. Wednesday.

NELSON B. CLIFFORD of Clifford & Marion, sails October 7 on the *S. S. Lafayette* for a few weeks' stay in London to cover the shows.

MINOR AND ROOT will double between the Music Hall and the Biltmore "Casino Blue Room" starting Thursday.

JANET GAYNOR, accompanied by D. A. Doran of the Fox story department, left New York for Hollywood on Sunday.

"POP" CAMERON just returned from his island in Clayton, N. Y., to visit booking offices. He's stopping at the Somerset.

RALPH MORGAN will return to New York this month to be present on his mother's 83rd birthday.

FRANCES DRAKE, English star, recently signed by Paramount, is at the Warwick.

CHARLES L. O'REILLY and SAM SONIN leave for Washington today for the code conference.

HARRY ARTHUR returns today from a short trip to New Haven.

MIKE MARCO arrived in town yesterday from the coast.

MIKE RUDIN, circuit operator, lost his father last week.

Huffman Settles His Dispute with Union

DENVER, Oct. 2.—With the settlement of labor trouble involving eleven houses, Denver again becomes more than half union.

The trouble started when the union fined Fred Schmitt, Orpheum orchestra director, $500 and expelled him from the union on charges growing out of oyertime on rehearsals. Harry Huffman, manager of the Orpheum, stood by Schmitt, and when the latter organized a non-union orchestra, Huffman went non-union in his eight houses. A week or two later the three houses of the Civic Theaters, controlled by Joe Dekker and Tony Archer, also went non-union.

The settlement involves taking in of the Tabor orchestra, and reinstatement of several who had quit the union. The musicians and other union also fined former members from $200 to $500 each. New scales run from $35 to $50.

Eberson Joins National

John Eberson has joined the National Theatre Supply Co. as head of a new department of architectural consultation. The company will add lines of decorative materials and furnishings.

Hess with Majestic

Jack Hess, former director of advertising and publicity for Paramount Publix, has joined Majestic Pictures in charge of west coast publicity.

IT'S UP TO YOU!

Don't wait for the N.R.A. to pull you out of the ditch!

•

No thinking actor or actress can expect the N.R.A. to cure in a few weeks all the ailments that have crept into the show business from its very beginning.

•

Don't expect the other fellow to do your job!

•

The Actors' Betterment Association, Inc., with the support of the great American Federation of Labor, now gives you the opportunity to stand for the things you are justly entitled to.

•

Show business *is* coming back!

•

Get your share!

•

Join the A.B.A.!

•

Write for your application blank at once. Dues are $12 a year, payable semi-annually. Initiation fee, $5.

•

Make all checks or money orders payable to the

ACTORS' BETTERMENT ASSOCIATION, INC.,

228 West 47th Street New York, N. Y.

Agent, Star Clauses Not Settled Yet

(*Continued from page* 1)

Schenck and Harry M. Warner were here today to discuss problems in connection with the work of revising Articles 9 and 10 with Rosenblatt, who expects to receive final suggestions from the producers Tuesday. It is understood here that, while these two articles are still incomplete, and were major subjects of today's discussions, there are still other code problems which Rosenblatt took up with the producer representatives today with a view to obtaining their reactions.

In order to make time for rewriting the film industry code, Rosenblatt today turned over to Deputy NRA Administrator A. D. Whiteside, who is in charge of the general retail code, the theatrical and motion picture equipment industry's code, on which a hearing will be held Tuesday. Rosenblatt explained that the equipment industry comes within the retail classification and he felt that it should come under Whiteside's jurisdiction. There is some possibility, it was said, that the equipment industry may be covered by the general retail code now under consideration unless it is found that particular conditions exist in the industry which would make the general retail codes undesirable for it.

Reports are current here that some action may be taken in the final film code which would restrict the payment of bonuses and other extra compensation exclusive of salaries to industry executives. Rosenblatt refused comment when asked if such a proposal had been suggested by the President in place of the reported suggestion that star salaries be reduced.

The revised code will be submitted to exhibitors first on Wednesday afternoon and later to producers and distributors, Rosenblatt said.

Iowa-Nebraska Men Line Up Code View

(*Continued from page* 1)

ganized by Martin states that 300 of the 600 houses in the territory are closed. They ask equality between independents and circuit houses on the right to buy, favor zoning and protection, elimination of blocking booking, and control of double features, admissions and premiums.

Charles E. Williams, president of the MPTO unit, presided at a meeting of the independents.

I.T.O.A. Brief Printed

The I.T.O.A. brief filed at the first Washington hearing on the industry code in support of the exhibitors' proposal to make the code retroactive to apply to 1933-34 contracts already closed, has been published in pamphlet form by Weisman, Quinn, Allan & Spett, attorney for I.T.O.A.

Warner Busy on NRA

HOLLYWOOD, Oct. 2.—Jack L. Warner is finding his job as chairman of the California NRA a busy one. He reports he has already settled eight incipient strikes and acted on 3,914 complaints of NRA violations.

Duals "Unfair"-Meyer; Johnston Fights Control

(*Continued from page* 1)

where no one else is affected," Meyer writes, "but in a matter of cut-rate competition doesn't the injured party also have some rights? Individual decisions have prevailed in the past and have forced a large number of theatres to duals against their wills. They have forced others to close because of demoralized business and shortage of product."

Meyer asks why there should be so much opposition to leaving the problem for local settlement by a 75 per cent vote.

"Is it because of fear that most exhibitors would like to get out of double feature programs if they could be assured that the recalcitrant few couldn't take advantage of the situation and again start double feature competition."

Later in the letter Meyer insists that dual control in the code would not hurt the business of independent producers.

"Much has been said by so-called independent producers," he goes on, "about putting the independent producer out of business. That is merely an assumption with no basis in fact; the statement is flatly contradicted by the successful distribution at the present time of features made by the independents in many territories where there is little or no double featuring. If there were any truth in the statements made by these double feature producers, why haven't they closed up their exchanges in territories where double features have been abolished? Why did they ever open exchanges in territories where all, or nearly all, of the theatres run single features?

Need Good Pictures

"Theatres all over the country are complaining of shortage of good product. What we need is enough good pictures to go around. There has never been a shortage of cheap and shoddy productions. The spread of double features is increasing that type of production, is no benefit to the industry, and prompts public groups to strenuously protest.

"But to follow through their line of reasoning to its logical conclusion, what about the producers of short subjects? They actually own their own studios and provide year round employment to several times as many people as are engaged in double feature production. Some of the oldest and largest studios are engaged in the production of short subjects, so essential to small country town theatre operation. Double feature programs eliminate or greatly restrict the use of short subjects. Are these short subject producers to be wiped out so that the double feature producers can 'survive'? Which provides the greater amount of employment?"

Meyer says continued double featuring forces many theatres into cheaper classifications and that their spread gradually reduces the quality of pictures generally.

(*Continued from page* 1)

and they have agreed that this question may be settled by the exhibitor himself.

"Then they add that the distributor should in turn have the same privileges that are extended to the exhibitor. There is no argument on this score, except that it is a little difficult to see what the major distributors' interest in dual billing can possibly be. It is quite proper that he be allowed to decide whether or not a show is to be a single or a double feature, but to do this he must be in the exhibition field. And now the distributor is talking not as an exhibitor, but as a clearing house for films.

"In other words, majors now want to tell the exhibitor how he is to book his product. He uses his rights to decide the dual billing question not as an exhibitor but as a distributor and says that the exhibitor, when he buys one of the major's features can show no other feature on the same program regardless of whether the exhibitor is double or single feature minded.

Attempt at Coercion

"This is a direct attempt at coercion. The NRA has devoted itself to the purpose of spreading business. It has shortened hours so that more people will be employed. It is making credit easier in the hope of stimulating business everywhere. It wiped out the subject of double bills from the code because it realized such a stand would be palpably unfair to the independents in the industry.

"The product of the majors is important to an exhibitor. That is why they are called majors. He cannot disregard them any more than he and the majors can disregard the independents. His public is educated to look for certain stars and certain personalities and major product is important to his welfare. And so is independent product. Without the overhead and high operating costs of the majors, the independent is able to give the exhibitor added product at much less cost so that the exhibitor can give his public a full evening's entertainment, so where is the line of demarcation between the independent and the major? In view of this, I don't think the majors are justified in saying that it is as much the exhibitor's individual decision as it is theirs to determine whether the exhibitor is to deal with a distributor whose contracts contain special rider clauses forbidding double billing."

Holds Wieck's Option

HOLLYWOOD, Oct. 2.—Paramount has exercised Dorothy Wieck's option for twenty-six more weeks on her present term contract.

Paramount Will Get "Angel" on Oct. 13

(*Continued from page* 1)

to book "The Bowery" into the Rivoli tomorrow, planning to follow the initial 20th Century release with "Broadway Thru a Keyhole." The third picture, "The Life of King Henry VIII," has been booked into the Music Hall starting Thursday.

Boris Morros has been after the West picture and has held several conferences with George J. Schaefer in an effort to book the film into the Paramount for an indefinite run. Decision to switch the booking was reached late yesterday afternoon.

Cleveland Dual Ban To Start on Oct. 15

CLEVELAND, Oct. 2.—Oct. 15 is the new date when duals are slated to exit locally. The Cleveland M. P. Exhibitors' Ass'n six weeks ago voted to eliminate duals by limiting the policy to once a week and not on Saturday or Sunday. Whether the new plan will go into effect on the scheduled date remains to be seen. The cutting of double bills to once a week carries with it a penalty of $100 fine for each infringement.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF MARCH 3, 1933

Of MOTION PICTURE DAILY, published daily except Sunday at New York, N. Y., for October 1, 1933.

State of New York } ss.
County of New York }

Before me, a Notary Public, in and for the State and county aforesaid, personally appeared Theodore J. Sullivan, who, having been duly sworn according to law, deposes and says that he is the Business Manager of the MOTION PICTURE DAILY, and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of March 3, 1933, embodied in section 537 Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor and business managers are:

Publisher and Editor-in-Chief — Martin Quigley, 1790 Broadway, New York, N. Y.

Editor — Maurice Kann, 1790 Broadway, New York, N. Y.

Managing Editor — None.

Business Manager — Theodore J. Sullivan, 1790 Broadway, New York, N. Y.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

Motion Picture Daily, Inc., 1790 Broadway, New York, N. Y.

Quigley Publishing Company, Inc., 1790 Broadway, New York, N. Y.

Quigley Publications, Inc., 19-21 Dover Green, Dover, Delaware.

Martin Quigley, 1790 Broadway, New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)

None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is 5,169. (This information is required from daily publications only.)

THEODORE J. SULLIVAN,
Business Manager.

Sworn to and subscribed before me this 30th day of September, 1933.

(SEAL)

ANNA MILBERT.

(My commission expires March 30, 1934.)

Eastern Production

A Fact — Not A Rumor

FIVE GREAT FEATURES MADE FOR RELEASE
BY FOUR MAJOR DISTRIBUTING ORGANIZATIONS

"EMPEROR JONES"
Krimsky-Cochran Production
A UNITED ARTISTS Release

"MOONLIGHT AND PRETZELS"
Rowland-Brice Production
A UNIVERSAL Release

"TAKE A CHANCE"
Schwab-Rowland-Brice Production
A PARAMOUNT Release

"THE GREAT ADVENTURE"
Arnold Production
A PARAMOUNT Release

"MIDNIGHT"
All Star Production
Release to be announced

SHORT SUBJECTS IN PRODUCTION

24 TWO REELERS
for
EDUCATIONAL-FOX RELEASE

Watch Our Announcements of Future
Feature and Short Subject Productions

EASTERN SERVICE STUDIOS, Inc.

Executive Offices

FISK BLDG., BROADWAY AT 57th STREET, N. Y. C. TELEPHONE COL 5-6074

The studio pictured here formerly operated by Paramount is located in Astoria, L. I., 15 minutes from Times Square, consists of five stages, the main stage being 217 feet by 120 feet. Stages, projection rooms, cutting rooms, dressing rooms, etc., are equipped to the highest degree for productions, regardless of their size. Productions recently completed at the above plant include "Moonlight and Pretzels" and "The Emperor Jones."

WIDE RANGE
Western Electric
SOUND SYSTEM

Most Complete
"Wide Range" Recording
and Re-recording
Facilities in the World

AT THE SOURCE

New York and the great island of Manhattan is the place

Where the people are
Where the money comes from
Where the market is and selling begins
Where the scientific laboratories serve the modern screen
Where the technicians are taught and made
Where the stories come from
Where the literature and drama of the nation originate
Where the stars of the world are created
The neighbor of Broadway, the capital of the amusement world
and its creative arts:

EASTERN SERVICE STUDIOS, Inc.

This studio is located in the Bronx, New York, consists of two stages, the main stage measuring 98 by 72 feet in size, with same modern facilities available as offered in the Astoria plant. Recent productions completed at the above studio include "Midnight," series of Lambs' Club shorts, Tom Howard shorts, and a series of Two-Reel Musicals for Universal release.

Production in East Zooming To New High

(Continued from page 1)

use of studio facilities on a "per day" cost basis and hiring of players at prices below the standard current on the coast are the principal factors which are proving intriguing and of concrete value to producers who have made some product here and propose continuing without interruption.

Additional impetus will come to the movement when features turned out in New York in the last few months have had full opportunity to demonstrate their value at the box-office.

The general anticipation is that the New York experiment will then emerge out of that classification and take hold again as a permanent adjunct to the Hollywood scene.

Won't Replace Hollywood

Those interested in eastern production declare they have no idea of attempting to suggest any replacement for Hollywood. They say they appreciate the fact that millions are invested in studio equipment and facilities on the coast and add, further, they understand why Hollywood probably will continue as the principal source of production. At the same time, the obvious advantages of New York and its closeness to sources of talent and material, they maintain, are not to be discounted. Neither should they be overlooked for the freshness which they can inculcate in the production viewpoint, it is argued.

As an evidence of its confidence that pictures can and will be made in New York in increasing numbers, Erpi, which now controls the Eastern Service Studio, formerly the Paramount plant, is seriously considering complete renovation and modernizing of that studio or construction of an entirely new one on a site close to Times Square.

Report Consolidated Gets Biograph Plant

Consolidated Film Industries last night was reported to have taken over the former Biograph studio in the Bronx and to have placed George Hirliman in charge, thereby indicating the laboratory company proposed to continue financing independent producers in the East.

The plant will be remodeled. Chester Erskine will operate there.

"March of Years" Is Up to a Total of 26

"March of the Years," a short series in which are reenacted headline stories of former years, now are being made as one-reelers and the total number increased from 13 to 26. Columbia distributes.

The first six are completed, while work starts on a new batch next week at the Fox Movietone News studio. Louis de Rochemont is director and Beverly Jones, his assistant. Peter Naphen is president of the producing company.

Kahane Says Code Goal Is Now Twenty Days

(Continued from page 1)

the original drafts, Kahane predicted. This will be revealed when Rosenblatt presents the tentatively completed code on Wednesday.

While agreeing there is a "big story" behind the new clause banning "raids" on talent, the Radio Pictures president refused to divulge the information, but said "some day" it could be told. He was non-committal on the present status of the clause and refused to say whether Article 10 had been completed in revised form, and, if not, what hindrances had been interposed. He intimated, however, that a new set of regulations on "raiding" was in work and freely declared that the only opposition had been inspired by the actors' branch of the Academy.

"If they get Article 10 as originally proposed they will be lucky," Kahane commented.

Revision of Article 9, circumscribing agents' activities, has been completed and the article strengthened, he said. Besides specifying rules and regulations, the article, as revised, provides for their administration by a code authority, which is authorized to draft new regulations and make revisions as necessity demands.

Will Stop Chiselers

"This is designed to eliminate the crooks and chiselers among the agents," Kahane said, pointing to instances where players are hidden away just when shooting is about to begin and their agents holding out for higher salaries. He indicated that Rosenblatt was in sympathy with the effort to inject ethics into agent relations and quoted the administrator as describing agents as "a mole on the hippopotamus's back."

"It is an easy matter now to write a code, as the disputed points have been revised and rehashed so many times, the administrator knows just where everyone stands," declared Kahane. "The main thing was to get the provisions lined up. This has largely been done. Controversial sections have been left open pending agreemen, and all that remains is to fill them in as soon as they are written in legal form."

With the producers' portion of the code "just about finished," serious obstacles remaining are differences over the exhibitors' right to buy and, contrawise, the distributors' right to sell, as well as arguments over double bills, giveaways and premiums. These issues, kept alive and burning by the independent exhibitors, are causing the chief delay, according to Kahane.

If opposing factions become hopelessly deadlocked on these questions and reapproachment seems impossible, there remains the eventuality of administration intervention and an order from President Roosevelt or Gen. Hugh S. Johnson to Rosenblatt to write a code. In this event, agreement by the industry will still have to be obtained, Kahane said. He confirmed that the President is keeping a watchful eye on film code progress, as evidenced by his recent calling in of Rosenblatt.

Says Labor Terms Met

"If it were only a matter of agreement on labor, the code would have been completed in the first two or three days," continued Kahane, "as producers and distributors had voluntarily complied with NRA provisions, increasing their overhead between $8,000,000 and $10,000,000 a year. President Green of the American Federation of Labor admitted at the hearing this was the first industry to respond so generously. The administration is appreciative of the way the industry has met the call of the NRA.

"Labor demands are no problem to the affiliated circuits, because we have had from two to four operators manning the projection machines right along. It is a tough problem for the independent exhibitors, however, as the demand for a man behind every machine is a hardship on the small exhibitor. But I expect this will be straightened out by Wednesday."

Kahane said he speeded back to the coast before completion of the code for two reasons: First, because Merian C. Cooper, production chief at Radio studios, is ill and will not return to work possibly another month, this necessitating Kahane's presence at the studio. And because for the last 60 days he has been devoting much time to the code, in addition to the fact that the work of the producers' committee, of which he is a member, is virtually completed.

Big Coast Actors Walk on Academy

(Continued from page 1)

against the Academy, said their action was prompted by the belief "an organization for actors only can produce better results for the members of our profession."

The actors first started organizing at Chester Morris' home last June 8 under the name of the Screen Actors' Guild. Action at the home of Frank Morgan last night, spurred on by dissatisfaction over the way they were represented at the Washington code hearings, caused them to send a wire to Deputy Administrator Sol A. Rosenblatt informing him of the step they had taken and protesting vehemently against Articles 9 and 10 and against any form of a salary-control board.

A committee met late today to devise plans for the immediate formation of the Screen Actors' Guild to include the entire profession. J. T. Reed, head of the Academy, has given out no statement. He has called a special meeting of the board of governors and executives of all the branches of the Academy for tonight to decide on action to be taken by the Academy. The conference was still in session at a late hour.

Novis, Wife in Hospital

Hollywood, Oct. 2.—Donald Novis and his wife, the former Juliette Burnette, are both in the Hollywood Hospital. He is recovering from a tonsil operation and she from a more serious one.

NRA's Effect On Anti-Trust Cases Studied

(Continued from page 1)

more than two years. Trial of the case comes up on the U. S. District Court calendar here this week, at which time it will be put over to early November, it was stated yesterday.

In what manner the NRA will affect this and similar cases, if at all, is expected to be decided in the meantime, probably by Attorney General Homer S. Cummings. No anti-trust case originated by the Department of Justice, such as the one pending against Warners, has been brought to trial since NRA codes for industry have gone into effect. Hence, it is regarded as likely that the disposition of the government's suit against Warners may establish a precedent for cases of this kind, with suspension, dismissal or continuation of prosecution of the case, the order as the government may decide.

A basic NRA provision grants suspension of the Federal anti-trust laws to the component parts of industries, the codes of which have been approved and adopted. Whether or not the government is inclined to give a retroactive interpretation to this provision which would result in cancelling prosecution of anti-trust suits brought by itself remain to be seen. The Warner case may be the first to settle the question.

Counsel for Warners in the anti-trust case are inclined to believe that the case will be directly affected by the NRA supervision of this industry through the forthcoming code.

BIP and ABC Merger Completed, Says Dent

(Continued from page 1)

yesterday. John Maxwell is chairman of the board.

Merging of British International Pictures Corp. and Associated British Cinemas Corp. gives the new company control of more than 185 theatres operated by A. B. C. Directors of B.I.P. at their meeting late last week voted a five per cent dividend, Dent said.

Directors of Associated British Pictures Corp. are Maxwell, Dent, in charge of distribution; Sir Clement Klimlock Cooke, Bart, K. G.; E. J. Scrimegour, and James Denny Bright.

Several changes will be made, Dent stated, to effect economies.

M-G-M to Do Film In Brazil Jungles

Hollywood, Oct. 2.—Having reached the finishing stages on an Arctic picture, M-G-M is now planning a tropical production with the Tariano Indian country in southern Brazil as the locale. It will be called "Jungle Red Man." Plans have been under way for five months with E. J. Mannix in charge.

Harry Rapf will be the producer, with Richard Rosson as director and Harold Noice, explorer, as technical adviser. Forty-passenger Pan-American planes will be used for transportation, with Miami as the starting point. It is expected the trip will last nine months.

NOT CROWING . . . JUST GROWING

and now

Joe COOK *joins*

the ever-growing "who's who" of FOX manpower!

- To star in two a year for FOX...the first to start production this coming spring.
- Joe Cook . . . merry maestro of nonsense and cock-eyed machinery . . . star of "Rain or Shine", "Earl Carroll's Vanities", "Fine and Dandy"... topping them all with his current Broadway smash "Hold Your Horses."
- And with him, stooge Dave Chasen . . . of the matted hair, wild eyes, waving palm.
- They'll lift your mortgage and throw it over their left shoulder.

JOIN THE UPSWING WITH FOX

Johnson Asks More Ads to Speed Upturn

WASHINGTON, Oct. 2.—A plan to speed national industrial recovery, which will be based on "aggressive and consistent advertising," is under development here by Administrator Hugh S. Johnson, and will be ready for leading manufacturers and advertisers throughout the country within the next few days.

Communications have already gone out to the manufacturers and advertisers setting forth the NRA's reasons for believing that the turning point in the nation's buying power has been reached and proposing two courses of action for immediately increasing sales. One is "aggressive and consistent advertising," and the other is the introduction of new and improved merchandise which may have been withheld from the market in the belief that the public lacked the buying power and the inclination to absorb it.

General Johnson, in his communication, points out that the NRA has collected "indisputable evidence" that the American public is now ready and able to buy. In substantiation, he says that the "fear of spending" which has restrained many who had money from buying is being dissipated by the following NRA evidence pointing toward a more secure future:

Cites Statistics

"Factory employment was up 24 per cent in August, 1933, as against the same month last year.

"Industrial production was up 71 per cent in July, 1933, as against the same month last year.

"Business failures showed a decrease of 47 per cent in August, 1933, as against the same month last year.

"Farm prices went up 33 per cent in July, 1933, as against the same month last year."

Supporting his contention that "public fear is passing," General Johnson offers the following evidence, compiled from NRA surveys:

"Payrolls were up 40 per cent in August, 1933, as against the same month last year.

"Carloadings were up 23 per cent in August, 1933, as against the same month last year.

"Automobile factory sales were up 38 per cent in June, 1933, as against the same month last year.

"Steel ingot production was up 245 per cent in August, 1933, as against the same month last year."

"In view of these developments," Administrator Johnson's communication states, "we believe that the opportune moment is at hand for American industry to bend every effort toward increased sales. There is no longer any reasonable doubt that the public is beginning to shop again and to look toward replacements for its worn-out possessions.

"American industry must help the public to find the goods it needs. The modern method is advertising. The American public looks to advertising for news of good merchandise and good values."

Looking 'Em Over

"Bombshell"

(M-G-M)

HOLLYWOOD, Oct. 2.—Detailed review of "Bombshell," covered by MOTION PICTURE DAILY in a flash wire on Friday:

Laughs topping laughs punctuated the showing of "Bombshell" at a neighborhood house preview the other night. Such loud and lusty laughter, rolling in such volume and in such rapid succession, rates "Bombshell" as one of the fastest, as well as funniest films in the last year.

In "Bombshell" Jean Harlow cartoons the portrait of an "If, But and which" gal, sparked with plenty, going through all her own tempests in the teapots the dome of her press agent conjures up, to land her on the front page.

It's all like a flock of fan magazine stories sprung to life. It's like a cash girl's imagination run riot about her favorite star—her home life—her sweeties—and her unsung press agent. But it's grand fun in the grand manner.

Harlow, with her two rum-blossoms, Papa and Junior—her colored maid and three sheep dogs—her sassy secretary and her parties—her nit-wit interviews—her director and his ardor—her press agent and his pranks—her marquis and the Federal dicks—a nut who believes he is her former husband—her adopted baby—her blueblood lover—all explode and scramble like a funny page, sky-rocketing on a greased roller coaster.

Of course, it's all tongue-in-the-cheek tomfoolery about a Hollywood star—a juicy morsel for those in the know, bringing in star names and inside secrets that have made the town talk. It's all slick and mad, and lowdown even for outsiders, expertly built and milked for big laughs, which it gets with triphammer precision.

Harlow gives a glowing, as well as shaded performance, wringing every ounce of comedy and pathos from a luscious flesh and blood part which elevates her to an attraction of first magnitude. La Harlow, once a pretty-pretty, now looms as a big bet of the screen. She runs the spectrum of emotions and reveals plenty in face, figure, fashion and feeling—no foolin'.

Lee Tracy, as the passionate press agent himself, rates star lighting by this. His rapid-fire chatter, his trigger mind and the hoke stunts are a cyclonic treat.

Frank Morgan enlivens the comedy by a flawless caricature of the star's father. Pat O'Brien makes the director a great human guy. Franchot Tone, always greeted by "ah's" from the femmes, is the star's big moment. Una Merkel and Ted Healy are comedy highlights well etched. Hal Rosson, the star's husband, is one of the cameramen.

Victor Fleming's direction is well-timed for heart interest and well primed for laughs. "Bombshell" matches his direction of "Common Clay" in the different metier of comedy. The screen play by John Lee Mahin and Jules Furthman is a model for comedy procedure.

"Bombshell" is an exploitation natural, dovetailing the front page antics of Jean Harlow in real life with the front page proclivities of the star, Lola Burns, in the film. It should do exceptional box-office business. The nation is crying for laughter.

VIC SHAPIRO.

"The Avenger"

(Monogram)

Satisfactory entertainment and likely to please generally. It has an interesting plot and is well produced. The sets are unusually attractive and with Ralph Forbes and Adrienne Ames as name value, it is certain to get over.

Framed and sent to prison by a political clique of six for his attacks on them, Forbes, an assistant district attorney, avows revenge. Getting the hero out of the way had a dual motive behind it as far as Arthur Vinton, head of the clique, was concerned. In addition to the political angle there was Miss Ames, Forbes' sweetheart, in whom Vinton was interested. His plan works out nicely when she marries him.

While in prison one of the clique is brought in. When he later makes an attempt to escape, he is mortally wounded. He confesses to the plot and this aids Forbes in getting out. Vinton kills one of his cohorts when he shows signs of weakening and the other three are caught by Forbes and held prisoners in an out-of-the-way shack.

Fearing he is to meet his death, Vinton commits suicide, but makes it appear that his wife was responsible for it. However, the hero clears that up and he is reunited with Miss Ames for the final fadeout.

In the cast are Claude Gillingwater, Charlotte Merriam, J. Carrol Naish, Burton Churchill, Murray Kinnell, Thomas Jackson, Paul Fix, James Donlan, Leonard Carey and Boothe Howard. Edward L. Marin directed.

Jaffe Joins Columbia

HOLLYWOOD, Oct. 2.—With plans for producing on his own "The Mad Dog of Europe" dropped, Sam Jaffe, formerly associate producer for Radio, has joined Columbia as assistant to Sam Briskin, general manager of the studio.

Lloyd on Way Here

Harold Lloyd is due in from the coast tomorrow. One of the reasons for his visit, he says, is a search for a leading woman for his next picture.

Mae Loyal to Para.

HOLLYWOOD, Oct. 2.—Mae West declares she intends to confine her picture activities to Paramount, despite the fact that her contract permits her to work for other companies between films.

Sylvia Sidney Better

Sylvia Sidney is recovering from another throat operation at the Waldorf-Astoria, but expects to be able to get away to the coast to resume work at Paramount early next week.

"Glory" Big Seattle Draw With $5,250

SEATTLE, Oct. 2.—"Morning Glory" at Hamrick's Music Box was the prize winning attraction last week, with a take of about $1,250 over the normal $4,000. It goes into a second week. "Paddy," the Next Best Thing," at the Fifth Avenue, hit $7,500, over average by $500. "This Day and Age" at the Paramount did normal business. "Tarzan, the Fearless" at the Roxy was good for about $6,000, better than previous weeks, and the dual bill at the Liberty showed a slight increase in gross.

Total first run business was $32,000. Average is $31,500.

Estimated takings for the week ending Sept. 30:

"I LOVED A WOMAN" (F. N.)
BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $3,500. (Average, first week, $4,000.)

"PADDY, THE NEXT BEST THING" (Fox)
FIFTH AVENUE—(2,750), 25c-35c-40c-55c, 7 days. **Gross:** $7,500. (Average, $7,000.)

"STUDY IN SCARLET" (World Wide) "SKYWAY" (Monogram)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"MORNING GLORY" (Radio)
MUSIC BOX—(950), 25c-35c-40c-55c, 7 days. **Gross:** $5,250. (Average, $4,000.)

"THIS DAY AND AGE" (Para.)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 7 days. **Gross:** $5,750. (Average, $6,000.)

"TARZAN, THE FEARLESS" (Principal)
ROXY—(2,275), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,500.)

Billie Burke Signed By Samuel Goldwyn

HOLLYWOOD, Oct. 2.—Billie Burke today signed a long term contract with Samuel Goldwyn.

Since the death of Mrs. Burke's husband, Florenz Ziegfeld, Goldwyn has acted as advisor to Miss Burke.

William Schenck Weds

HOLLYWOOD, Oct. 2.—William Schenck, United Artists studio cashier and Evelyn Carpenter, chorus girl in Goldwyn's "Roman Scandals," have secretly married.

Last week Bobby Webb, U. A. casting director, was blended with Bobby Roberts, another chorus girl in the same picture. Schenck formerly was assistant to Webb.

Santell Europe Bound

HOLLYWOOD, Oct. 2.—Alfred Santell, Radio director, sneaked off to Europe on the *Paris*, while local studio heads were in the dark he had even left Hollywood.

Santell has just finished megaphoning "Beautiful" for Radio.

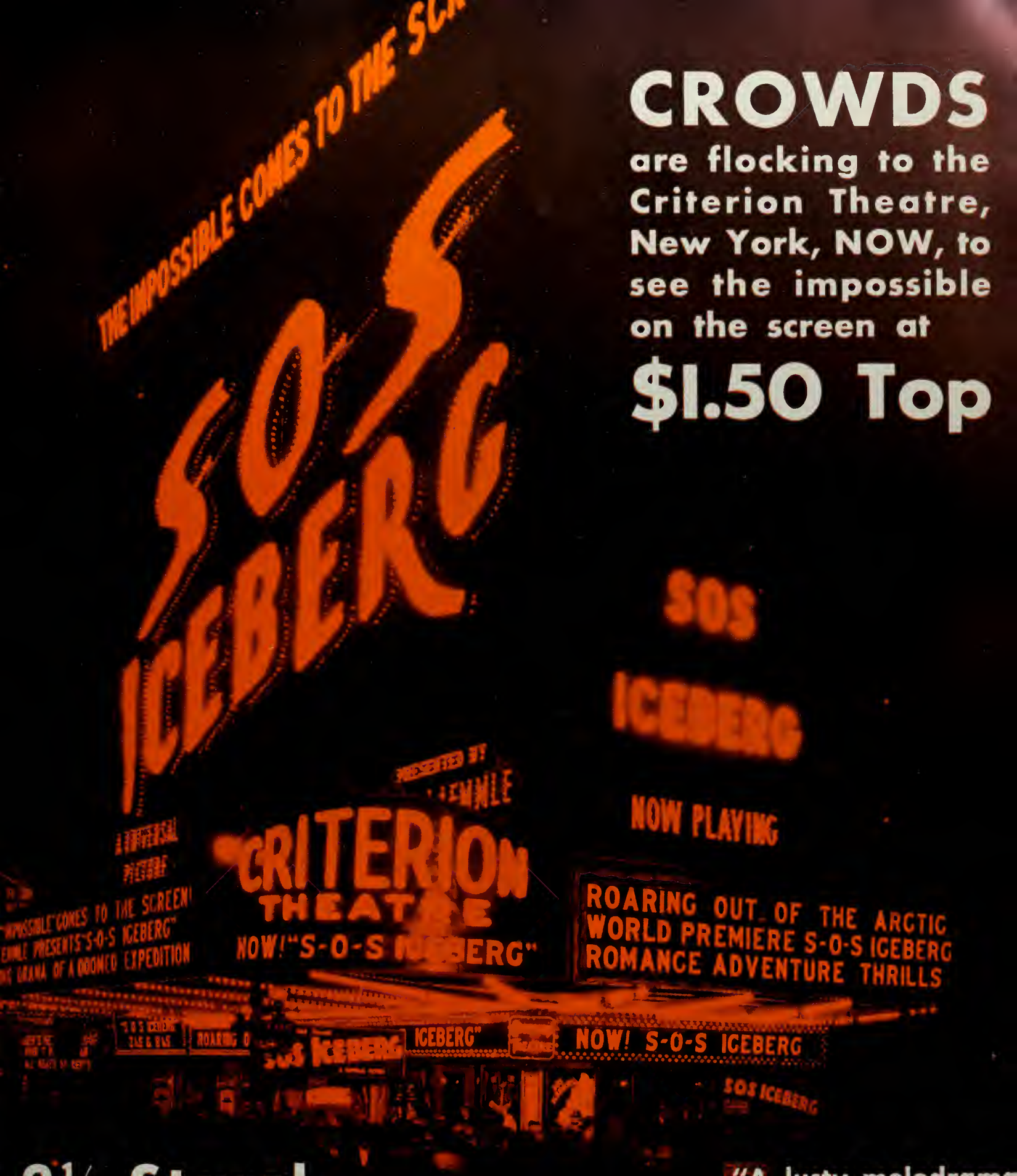
"Sally and Jimmy" Starts

HOLLYWOOD, Oct. 2.—"Sally and Jimmy" is under way again at Fox, following the recent rift between Sally Eilers and the studio.

The studio says the title will not be changed. Claire Trevor is the new feminine lead opposite James Dunn.

Open in Bayonne Nov. 1

Warners plan to open the recently acquired Strand, Bayonne, before Nov. 1. Rudolph Kuehn, manager of the DeWitt, same city, will include the Strand management in his duties.



3½ Stars!

"One of the most extraordinary films of the year."
– N. Y. Daily News

"One of the really notable products of the screen."
– Variety

"A lusty melodrama of the frozen wilds."
– N. Y. Times

"Thrills are intense."
– N. Y. Mirror

PLAY IT NOW!

Universal gives you the year's biggest quick-money opportunity!..Set it in immediately for a quick cleanup!..Play it NOW—Now, while the crowds are flocking to its two-a-day showing on Broadway!..Now, while the word is flaming all over the country that it's a BIG ONE!..Now!..NOW!!..NOW!!!

With ROD LA ROCQUE, LENI RIEFENSTAHL, Gibson Gowland, Ernst Udet. Story by Dr. Arnold Fanck. Music by Paul Dessau. Directed by Tay Garnett. Presented by Carl Laemmle.

A UNIVERSAL SPECIAL

S.O.S. I

CEBERG

CIRCUS IT!

FOR A QUICK CLEANUP!

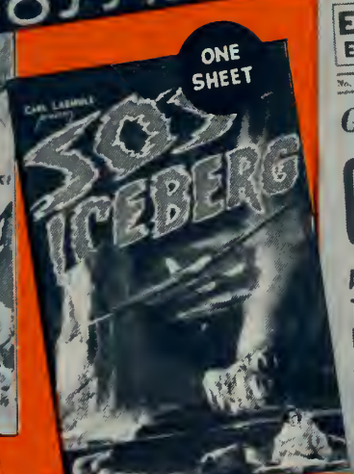
24 SHEET

A UNIVERSAL PICTURE
Presented by CARL LAEMMLE

THE IMPOSSIBLE

A UNIVERSAL PICTURE

ONE SHEET



S-O-S ICEBERG!

EXTRA EDITION **Universal Bulletin** EXTRA EDITION

DISTRIBUTED FREE

No. 1426—SPECIAL — FRIDAY, SEPTEMBER 22, 1934

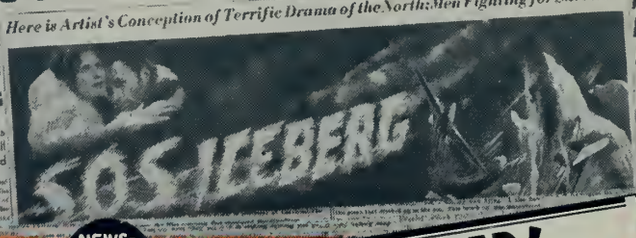
Girl Flyer's Rescue Plane Crashes in Flames

6 LOST NEAR POLE DOOMED?

Here is Artist's Conception of Terrific Drama of the North: Men Fighting for Survival!

Aid Rushed To Arctic Expedition

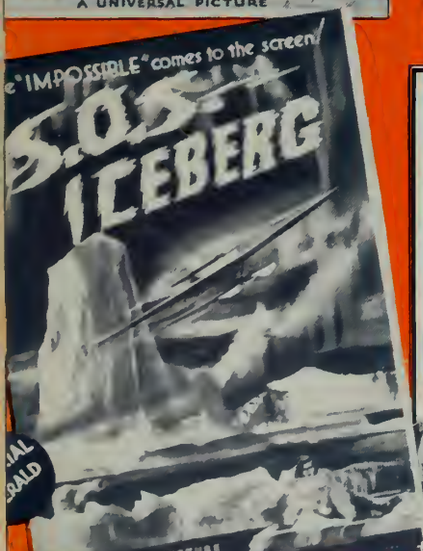
Two Relief Flights Begin as Radio Call Thrills The World



All Rescue Attempts Are Futile

Crash Against Side of Iceberg Almost Ends Hope

"IMPOSSIBLE" comes to the screen!



AD CUT

The Impossible Comes To The Screen!

The entire movie company nearly froze to death in Greenland's icy wastes! The elements did their worst! Accidents wrecked havoc! Terrific obstacles loomed everywhere!...Nature rebelled against having her most spectacular secrets photographed! Fate itself seemed stubbornly against it—BUT HERE IT IS!

SEE SEE
SEE SEE
SEE SEE

SEE THESE AND A SCORE OF OTHER THUNDERING THRILLS IN THE MOST AMAZING, THE MOST THRILLING, THE MOST EXCITING PICTURE EVER FILMED!

CARL LAEMMLE Presents

S.O.S. ICEBERG

with ROD LA ROCQUE, LENI RIEFENSTAHL, GIBSON GOWLAND, ERNST UDET

Presented by CARL LAEMMLE, Jr.

A UNIVERSAL PICTURE

CRITERION THEATRE B'way at 44th St.

WORLD PREMIERE SEPT. 22nd at 8:30

NEWS-PAPER HERALD

AD CUT

TELEGRAM

S.O.S. ICEBERG

UNIVERSAL GREENLAND EXPEDITION RADIOGRAM

82-33 SOS — OF NAC OARSK

PD PD PD PD

SOS ICEBERG SOS ICEBERG SOS ICEBERG WE ARE DOOMED ALL RESCUE ATTEMPTS HAVE FAILED GIRL FLYER CRASHED PLANE IN FLAMES SOS ICEBERG SOS ICEBERG SOS ICEBERG AD FOOD WIRELESS FAILING WE DOUBT THAT ANYONE CAN FLY THROUGH THIS HELL OF ICE AND SNOW SOS ICEBERG SOS ICEBERG SOS ICEBERG

LAWRENCE.

SEE "S.O.S. ICEBERG" — NOW PLAYING — CRITERION THEATRE — B'WAY AT 44th ST. — TWICE DAILY

AD CUT

TRAPPED!

TRAPPED on a crumbling iceberg in the heart of the Arctic with five desperate men, a beautiful, cultured woman learned that savagery still exists that hunger, cold and fear were but fuel to primitive emotion!

SEE SEE
SEE SEE
SEE SEE

CARL LAEMMLE Presents

S.O.S. ICEBERG

with ROD LA ROCQUE, LENI RIEFENSTAHL, GIBSON GOWLAND, ERNST UDET, World's Greatest Dare-Death Aviator

Story by Dr. Arnold Fanck. Music by Paul Dessau. Directed by Tay Garnett

A UNIVERSAL PICTURE

WORLD PREMIERE TOMORROW FRIDAY EVE. at 8:45

CRITERION THEATRE BROADWAY at 45th ST.

Daily 2:45—8:45 — 75c $1

Nights 50c, 75c, $1, $1.50 (Plus Tax)

3 Performances Sats. and Sundays

SEAT SALE AT THE BOX OFFICE

Not Covered in Any Code

THE code may tell the industry how to go on double features, the right to buy, designated playdates, picture cancellations, score charges and the like, but it won't, because it cannot, supply any cure-all for quality production. The keystone of the entire celluloid structure rests on what the public gets from the screen. And that's a job for the business itself to handle.

Waging a difficult fight against Hollywood's indifference and obstructionist tactics, against technical facilities in studio, camera and sound which are not all they should be, against labor unions which are not as cooperative as they might, there is, nevertheless, building up slowly and surely an answer to the one vital issue which the code cannot furnish. It is Eastern production.

▲

HOLLYWOOD will continue to remain the chief stamping ground. Any idea designed to interest the major companies in pulling up stakes for a trek Eastward would be as futile as it would be pointless. The Gold Coast has the edge, for whatever the reasons may be and so it will continue.

Out of its complete dominance of the situation, however, have grown practically all of the evils which bedevil production today: provincial, insular points of view and dictatorship complexes which decide the road down which a nation's entertainment is to travel; nepotism, cliques and claques and a social system that is vicious of itself and, what is more to the point, vicious because of the consequences it heaps on the commercial task of turning out pictures that will make investments profitable.

Hollywood is the big "I am," the great "know all," the land of cloud walkers. As long as its supremacy remains unchallenged, just so long will the industry continue to take it where it hurts most.

▲

PRINCIPALLY because the tail has been wagging the dog has Hollywood been successful in maintaining its divine right of production. Whatever is determined for the rest of the picture business usually is forgotten, sidestepped or soft-pedalled when the West Coast is discussed. As matters stand today, the policy is a very sound one.

For Hollywood runs along without the competition necessary to awaken it. Hollywood never seriously arouses itself because it has had nothing to worry about. The conclusion of all this is something pretty swell for the coast, but economically serious for the industry.

NOT only by virtue of the fact that New York is headquarters for the country; that Hollywood sends its scouts to Broadway when it wants new talent; that in Gotham is the center of art, literature, life and living does some part of production rightfully belong here. Three thousand miles away that it may be, Hollywood and how it is going are plenty of reason for a studio revival in the East. The coast, for its own good, needs to know that studios and picture makers somewhere else on the map are fairly, but squarely, gunning for some of its long undisputed honors.

When Hollywood turns out bad pictures, the inherent right of New York for a real place in the production sun merely accentuates itself. When Hollywood turns out good product, it still needs a check, lest all traces are kicked over in the adulation that has a habit of following performance in this business.

▲

NEW YORK may not make better pictures than the coast. Certainly all factors being equal, it can make them as well. Carry the argument further and what do you get? Let's assume Eastern product falls below the Hollywood standard. The fundamentals don't change and by that is meant merely this:

That it would prove profitable for the major companies to produce part of their output in New York even if the results are disappointing. The constant questioning of Hollywood's supremacy as a production center thereby will be sufficient to keep determination high, the will determined to keep on the coast the halo which now surrounds its august habitants.

Hollywood is too tight a community, too set in its ways, too satisfied with its status. It needs to be jogged out of its complacency for its own welfare and for the welfare of the industry as well.

▲

GAINING impetus now as you read this is a revival of production in New York. There are technical crudities to overcome, but they will be surmounted. There is no patent, neither is there any mystery about turning out film. Eastern production, therefore, will reach its stride—quickly if Hollywood stops throwing curves; slowly if it does not.

The move is on the way more seriously than in some years. It deserves to be encouraged for the good that is in it and for the indisputable quickening in quality production that will follow in its wake.

KANN

Finance Unit Regarded As Need

Must Have It To Aid Studio Plans in East

THE big stumbling block to the rebirth of production in the East is money—or rather the lack of it. Such is the opinion of observers watching with interest the move to set New York back on the map as a producing center.

Attention in the East-West tussle is centered chiefly in the plans of a group of New York stage producers to make screen transcriptions of their Broadway successes on an independent basis, with the Eastern Service Studios in Astoria selected as the laboratory in which to try out their experiment.

"To achieve success in the venture," says one at the forefront of the movement, "we have got to have a finance corporation to help the legitimate independent producer until he can show the majors what he can do in a big way. He must be staked at the beginning. Money is the important thing. Turning out the releases would be no problem at all, especially if the stuff can be gotten as cheap as that now being turned out by the majors."

How It Started

The venture has had an auspicious beginning. Of the first two productions made at the Eastern Service Studios both found immediate acceptance on public showing. The first, "Moonlight and Pretzels," a Universal picture, is reported to be doing splendidly at the box-office. The film was made with a cast of stellar names, the majority from the Broadway stage.

The second was "Emperor Jones," which was produced by John Krimsky and Gifford Cochran for United Artists release. With Paul Robeson in the name part, it went places in its first week at the Rivoli. It is conceded that this film could hardly have been produced in the manner it has in any other place but New York, where the colored population of Harlem afforded a limitless field for the choice of talent necessary in casting. It is even doubted whether the colored star would have considered making the film on the coast.

"Midnight," the play the Theatre Guild put on several seasons back, has been turned into a picture at the same studio by Chester Erskin, well-known as a Broadway director, and will be released soon.

More on the Way

Two other pictures have been practically completed at the Eastern Service plant. One is "The Great Adventure," based on Arnold Bennett's play. It is an Eddie Dowling production, with Roland Young, Lillian Gish and Montague Love in the cast.

The other is a film version of "Take a Chance," the Schwab and Mandel musical comedy that was a Broadway hit a couple of seasons ago. The producers are William Rowland and Monte Brice, and the players include Jimmy Dunn, Cliff Edwards, June Knight, Lillian Bond, Lillian Roth and Buddy Rogers. Dunn was borrowed from Fox to appear in the film. Laurence Schwab, co-producer of the Broadway show, has had a hand in the production.

One of the chief difficulties surrounding picture production on the coast is, of course, the overhead. Estimates made by those in a position to know reveal that this overhead can be cut down 45 per cent when pictures are made under conditions such as obtain at the Eastern Service Studios, the management of which has nothing whatever to do with actual film production.

The organization simply rents space. There ends its interest. "We just run a factory," in the words of one of its officials. Included in the rental is the cost for use of all equipment essential to producing. A producer pays from $350 to $1,000 a day for use of the studio and is relieved of all worries about overhead.

Sets are built on a contract price. The jungle set for "Emperor Jones," in which transpired about one-third of the action of the film, was built for the producers at a cost of only $7,500.

This elimination of overhead gives some clue to the low cost of producing both "Emperor Jones" and "Moonlight and Pretzels." While the cost of the complete production of the former is about $125,000 it is no secret that the latter was turned out for $110,000, everything included. Expert estimate is that the film would have stood the producers twice that much had it been made on the west coast.

Operated as it is, the Eastern Service Studios cut expenses further in that there are no supervisors and no relatives to take a chip off the old payroll.

Those backing the movement for production in the East are not attempting to put Hollywood off the map. They are more sensible than that. They know such a thing could never be done.

"We don't expect to bring Hollywood here," they assert. "There is too much money on the coast to pull up stakes and then there is a certain tradition in Hollywood that holds producers on the coast. What we primarily hope to make here are such pictures as cannot be made on the coast as effectively as here—musicals and other types of pictures that cry out for talent that can be gotten only on Broadway."

Impartial observers do not agree with the contention of the coast producers that more "flops" come out of the East than out of the West. They believe, in fact, that the reverse is

(*Continued on page 24*)

Vitaphone, Content with N. Y., Has Made 1,000 Shorts in East

One of the most powerful arguments for production in the East is the history of Vitaphone production at the old Vitagraph plant in the Flatbush section of Brooklyn.

Aside from short lay-offs, either for additions to studio facilities or to hurdle the jump between one season's schedule and the next, the plant has been in continuous operation since Warners started work there in August, 1927.

Since that time, over 1,000 shorts have been made on the one lot. Six hundred were two-reelers and the remainder in one reel.

In the roster of performers is numbered practically every name of marquee calibre in the world of vaudeville, radio, opera, musical comedy and night clubdom.

So far this season, out of a planned program of 130 shorts, the studio has completed 65. Thirty of these are two-reelers; 35, one-reelers. Vitaphone's budget has been stepped up 30 per cent, indicating, from another angle, Warners' confidence in the future of musical shorts and in the East as the place to make them.

Average negative cost on two-reelers runs between $32,000 and $35,000. Average negative cost of one-reelers is approximately $15,000.

Erpi May Build Up-to-Date Studio Over on Long Island

A new studio, designed to equal in equipment and facilities any existing plant on the coast, is in the offing on a site close to New York if the revival of production in the East now under way, assumes more pretentious proportions.

Erpi, which controls Eastern Service Studio, the former Paramount plant in Astoria, is understood considering the proposal. The studio, as it now stands, was built for silent pictures. While talkers are now being made there, stage space is limited and production often has to be confined to one floor, particularly if the upper stage is housing a musical.

It has been computed that $100,000 would be necessary to completely re-equip the studio. Erpi officials are reported favorably inclined toward construction of an entirely new plant and only await a further box-office test of pictures made on its lot before making their final decision.

In the meantime, the latest equipment is being added to the present plant. The studio is also the only eastern one equipped to do background process work.

East Is Only Spot to Make Shorts-Sax

SHORTS depending on stage and radio names for drawing power can be produced profitably only in the east, according to Sam Sax, production head at the Vitaphone studios in Brooklyn. The reason for this, he says, is chiefly that New York is the clearing house for talent of every nature. With stage and radio talent right next door to the studio, so to speak, the problem of getting the desired performers on a moment's notice and at reasonable remuneration is considerably simplified, in Sax's opinion.

The producer believes that shorts of the type produced by Vitaphone cannot be successfully turned out anywhere else but in New York, because they feature names big on Broadway and on the air waves and not strictly screen personalities.

"In the east," asserts Mr. Sax, "we can produce all manner of short subjects except out-and-out comedy. Comedy shorts are best produced on the west coast because the established and most popular screen comedians are those long associated with pictures."

His Reasons Why

Since Vitaphone shorts for the greater part are miniature musical comedies, they require ace performers of the musical comedy stage and broadcasting studios. It is obvious New York alone can best provide them. "New York is the market for names," as Sax puts it. He holds that "on the coast you can't get the right kind of acts, the right kind of bands."

Sax admits that musical shorts can be made on the coast, but certainly not with "big" names—that is, "big" names not of the screen world but of the realm of musical comedy. It is the stars of the stage that audiences clamor for in musical shorts, Sax declares, explaining that screen stars, however strong their pull at the box-office in feature pictures, would be complete "flops" in films demanding genuine ability as "entertainers" as distinguished from actors.

"Can you show me," challenges Sax, "one single musical short produced on the coast with a big name in the cast?"

Sax asserts that while many of the musical shorts turned out in Hollywood are intriguing to the eye and ear, they have in their casts no names that mean anything to picture audiences.

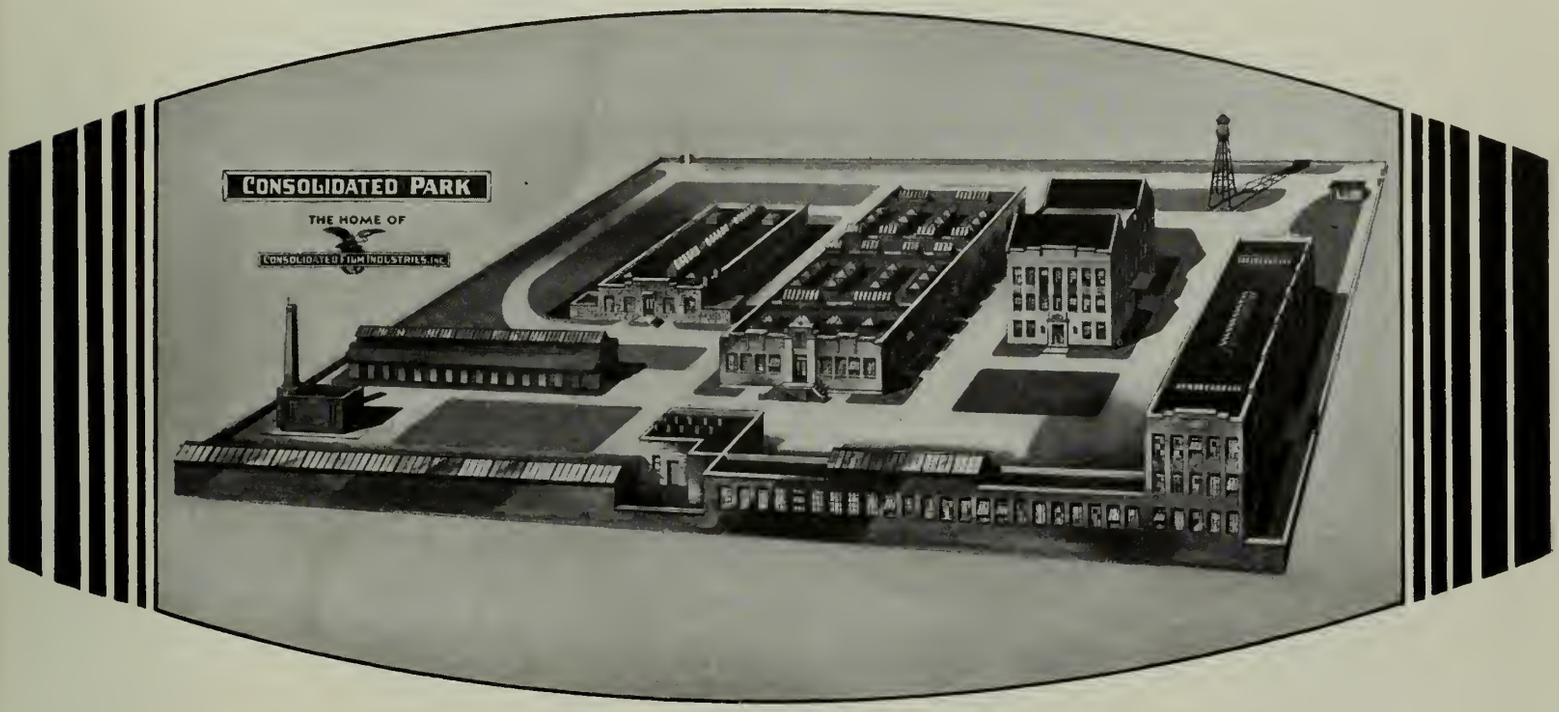
Not in Hollywood

Sax says "it is inconceivable our type shorts can be made in Hollywood." Not only because there is little musical comedy talent identified with big names out there, but also because the "importation" of star material from the east would make the cost of shorts production prohibitive and would disorganize the whole produc-

(*Continued on page 24*)

CONSOLIDATED PARK

THE LARGEST AND FINEST FILM LABORATORY IN THE WORLD



NRA MEMBER U.S. WE DO OUR PART

TWENTY-ONE years experience, a skilled personnel and flawless materials combine to make Consolidated Prints the finest medium through which to bring your valuable productions to the screen. Every modern scientific device that can add to the excellence and dependability of release prints is to be found at Consolidated Park. And our own chemical and technical engineers are constantly seeking further means of improving a product that is already recognized the world over as the best.

NRA MEMBER U.S. WE DO OUR PART

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

THOSE INTERESTING

COMPOSITE SHOTS

in the pictures you show have called for new ingenuity on the part of the producer. What is more, the photographing of the backgrounds has definitely demanded a special new type of raw film. Eastman Background Negative—recently announced and now widely used—is the answer. Possessing unique characteristics, it dovetails perfectly with this important technical advance. It greatly enhances the beauty, effectiveness, and value of projection background "shots." Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN

BACKGROUND NEGATIVE

Little Old NEW YORK

Maker of Men and Movies

¶ In the latter part of the Nineteenth Century a serious young man from romantic New Orleans, who was destined to play an important part in the history of motion pictures, settled in *Little Old New York.* That young man was Jules E. Brulatour, whose untiring efforts and vision have won him honor and position in the world of arts and science for his contributions to the cinema.

¶ As organizer of several early producing companies and a pioneer in Eastern production, Mr. Brulatour and his organization take this opportunity to *welcome back to New York* some of its producing activities. New York may well be proud to have instigated the fourth largest industry in the world, and we are proud to join the happy family in this event.

J. E. BRULATOUR, INC.

Eastman Films

NEW YORK CHICAGO HOLLYWOOD

Lower Salaries and Costs Presaged

Production in East the Way, Says Krimsky

REDUCTION of star salaries and production overhead and the development of new talent and headline names are the outstanding opportunities offered producers by eastern production facilities, according to John Krimsky, of Krimsky and Cochran.

The young producer, whose "Emperor Jones," distributed by United Artists, is now getting under way in key city first runs as this is written, sees the possibility in eastern production of keeping overhead charges in the neighborhood of three per cent as against Hollywood's not infrequent 20 and 25 per cent. With technical and labor costs about equal on both coasts, Krimsky believes the bulk of the saving could be realized on talent, including cast, director and author.

With a plentiful supply of talent available in the east, he asserts that not only is talent less costly here than it is in Hollywood, but that much of it, under experienced direction, could be developed quickly into new star and drawing material for pictures.

Wouldn't Evacuate Hollywood

Krimsky is not an advocate of a producers' evacuation of Hollywood in favor of the east. He is content to see Hollywood retain its position as the world's production capital and, therefore, speaks almost exclusively from the viewpoint of the small, if not the merely occasional, producer. Krimsky believes that there is room in the east for a large amount of new production activity which can go on without disturbing Hollywood's major activities at all. But he also believes that the facilities offered producers by the east may easily nurture a production growth here so economically sound that it may attract and develop enough activity ultimately to be a rival for Hollywood to reckon with.

Production's most significant opportunity here, in Krimsky's opinion, is the chance it has of starting on a foundation free of Hollywood's excesses. Foremost among these he names long-term contracts at exorbitant salaries for personal services. Eastern producers, he believes, can escape this pitfall because of what Kirmsky describes as the "availability of almost limitless talent" which can be developed under capable direction at a reasonable cost. He sees an important advantage in the producer's proximity here to the "stage capital of the world" and the center of activity of writers and publishers.

Planning Record Films

"To see play material myself and to be able to personally contact authors and publishers is an advantage the eastern producer will always have over his fellow-producer in Hollywood who must rely on agents to do that work for him," Krimsky said.

Krimsky and Cochran will also engage in legitimate play production. Gifford Cochran is now in Europe searching for play and story material. They plan to confine their activities to about three pictures and one or two plays a year, limiting actual production, however, only to the availability of the type of story material they desire. They hope to put their next production, as yet not decided on, into work before the end of the year, and expect to open a legitimate play here this season. United Artists is slated to have first choice at distribution rights to their productions, but no contract to this effect is in existence.

With virtually no prior experience in production or distribution, Krimsky and Cochran acquired the American rights to "Maedchen in Uniform" a little more than a year ago. It was a successful venture. Subsequently they acquired American rights to "Hounded Men," a picture produced in Germany by Gabriel Pascal. Shortly thereafter, Adolph Hitler's anti-Semitic policies put productions of German origin in such disrepute in this country that "Hounded Men" was never released, although the rights are still owned by Krimsky and Cochran.

This summer they launched their first and, thus far, their only production, Eugene O'Neil's "The Emperor Jones," starring Paul Robeson, with Dudley Digges in the cast. It was produced at Eastern Service Studios, of whose facilities Krimsky speaks highly.

"If they haven't everything a producer needs," he said, "they can get it on short notice."

Krimsky's only other play experience was as founder and president of Playchoice, a play-goers' guild with a membership of 4,000 subscribers. With this enterprise, Krimsky read or reviewed several thousand opening plays and passed on his verdicts to his member-subscribers.

Just a Name

John Krimsky of Krimsky and Cochran, producers of "Emperor Jones," is probably unique among American picture producers. He has never even been in Hollywood.

Says he'd like to see it some time, though.

Initial Cobb Reel Ready; 13 Planned

First of 13 single reelers starring Irvin S. Cobb, nationally known author and humorist, has been completed by Newslaughs, Inc., and the second probably will get under way this week at the RCA Photophone studio, 411 5th Ave.

Harold B. Freedman is president of the company and is actively handling production, while associated with him is George Byrnes, as vice-president and general manager. Freedman is credited with having launched the original "Topics of the Day" reel in conjunction with The Literary Digest.

Distribution is not yet set.

50% of "U" Shorts Are Eastern-Made

With New York supplying a greater variety of stage and radio talent to draw from than the West Coast, especially for musical shorts, approximately 50 per cent of Universal's short subject product on the 1933-34 program will come from Manhattan studios, it was computed yesterday at the company's home office.

Of the series of 16 radio shorts produced at the Eastern Service Studio by William Rowland and Monte Brice, 13 have been completed and delivered to Universal for early release. These include four starring Morton Downey, four Louis Sobols, three Nick Kenny and two Walter Winchells.

Appearing in these one and two-reelers are such names of the stage, screen and radio as Buddy Rogers, Lew Brown, Ray Henderson, the Four Eton Boys, Stephen Fetchit, the Boswell Sisters, Paul Whiteman and his orchestra, Texas Guinan, Little Jack Little, Jack Fulton, Peggy Healy, Nick Stuart, Sally O'Neill, and many others. The fourth Nick Kenny short featuring the radio columnist and the Boswell Sisters has just been completed and is now in the editing stage. Production on Walter Winchell's third, entitled "What You Don't Know Won't Hurt You," is slated to get under way soon with Monte Brice directing.

Two of the series of 13 musical two-reelers contracted for by Universal from E. M. Glucksman of Mentone Prod. have just been completed. They are "On the Air and Off" and "All at Sea," presenting such names as Nick Lucas, Adelaide Hall, Eddie Garr, Vincent Lopez, Pat Rooney, Ethel Barrymore Colt, Hugh O'Connell, and the Three X Sisters. The next in the Mentone-Universal line-up will be "The Big Benefit," and then a musical satire on "Dinner at Eight" called "Supper at Six." Music for the series is being provided by Milton Schwarzwald, former director of the music department of RKO Theatres, with Ballard MacDonald writing the stories. They are being produced at the West Coast Service Studios.

Produced for Universal by Gem Prod., three of the series of 13 Goofytone Newsreels, in which the regular newsreel style is spoofed and kidded, have already been finished, and the fourth is in preparation. The idea was first used on the air by George Frame Brown, who is writing and directing the film.

Although they were filmed in the far corners of the earth by Rowland-Brice Prod., Columnist Mark Hellinger's series of one-reelers entitled "Broadways of the World," are being edited and prepared here in New York. The first is called "Broadway Meets the Greek." They were written by Hellinger himself and directed by Ray Cozine.

In addition to Universal's extensive short subjects activity in New York this season, one musical feature, "Moonlight and Pretzels," was recently produced for Universal release by the Rowland and Brice organization.

N.Y. Is Place To Do Shorts Is Contention

THAT the production of shorts, comedy or otherwise, can be carried on to greater advantage in the East than on the coast is the belief of Raymond Klune, recently named eastern production manager of Educational, which plans to turn out half of its new season's program in New York with the Eastern Service Studios as the scene of operation.

"I can see no reason why pictures cannot be made just as well in the east as in the west," asserts Klune. "In many ways the making of pictures can be done in the east even better than on the coast. Technically alone, production here need not bow to Hollywood. I would even say technical facilities such as we have available to us at the Eastern Service Studios are in some ways superior to those to be found in Hollywood."

Says Give East a Chance

Defending eastern production against some critics, who are inclined to hold the whole idea in contempt, Klune declares:

"It is just a question of giving it a chance."

He assails the "superiority feeling" of Hollywood that leads it to believe nowhere else can pictures be produced as well.

"The east is not inferior to the West in the way of being able to turn out top-notch work in this business," he says. "Hampering production in the east to a great degree is just such a feeling of inferiority on the part of people who hope to see New York flourish again as a center of production. We shall never be able to make any headway in the effort to steal some of Hollywood's glory until we get rid of this inferiority complex here in the east."

Klune lays considerable stress on the fact that talent is easily available to producers in the East. The intimation is that Educational may have been prompted by just such a consideration in deciding to transfer some of its activity to the east.

Picking Broadway Talent

Already the company is taking advantage of the world of talent that has been opened to it with the adoption of its new policy. Several big names snared from the Broadway stage are being considered for parts in at least two of Educational's early releases, according to Klune, who says in one Al Christie intends to offer a leading comedy star of the legitimate stage, while in another, a musical in two reels planned as a Jack White release, "several big names" of the musical comedy stage are expected to be featured.

Klune is a product of New York. He started work in pictures here before Hollywood claimed him. At one time he was D. W. Griffith's production manager at the producer's studios in Mamaroneck. He spent eight years on the coast.

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Eastern Production Seen as "Tonic"

Held Infusing New Life in Stage Effort

THAT production in the East would act as a "tonic" on Broadway, helping to inject new life into the legitimate stage, is the belief expressed by Eddie Dowling, the driving spirit behind the movement for eastern production that is finding crystallization at the Eastern Service Studios in Astoria.

Dowling is emphatic that what he has started is not intended as any defiance of Hollywood's supremacy. He makes it clear that the whole idea is one of mutual aid. Production in the East, he says, will help the legitimate stage producer in that it will permit him to convert play properties into pictures and devote the profits thus made to putting on other Broadway productions, while the film industry will profit in that it would be brought close to the source of all talent—writing, acting and directorial.

25 to 50 Would Do It

"If only 25 to 50 pictures were produced in the East in a year, it would be just enough to be a tonic on Broadway," asserts Dowling. "If the picture companies turned out but five to 10 per cent of their total output of pictures here, the effect would be to put Broadway back on Broadway.

"It is not self-interest that makes me say this. Working in the East will bring tremendous advantages to the film people no less. There can be no question that New York is the source of the talent of the world. Why should picture companies 'import' their talent—actors, writers, directors—from New York at a tremendous outlay of money when by producing in the East they would have all the talent they wanted within reach. No more would the film industry have to go out of its way to procure the 'right' people. Broadway and the film industry would meet."

Dowling points out that, with production in the East, the stage producer could give his attention to Broadway and screen without sacrificing the one or the other. He would be in a position to continue his activity in the theatre while engaging in production. In a quarter of an hour he would be able to step from his office on Broadway to the studio.

Must Bolster Source

If the industry expects to get material for pictures it ought to have enough interest in building up the source of such material, according to Dowling. That, he points out, is Broadway. So, he reasons, producers should not exult at the prospect of seeing the legitimate theatre expire. Rather, he maintains, they should strive to keep the stage flourishing, for only thus would they be able to help themselves. Solution of the whole problem, he says, lies in the return of production to the East.

"The picture people," says Dowling, "are killing their source of supply and then complain they can't get material for pictures. The picture business, if it proposes to produce anything worthwhile, must absorb new ideas. This it can do through the means of the stage. The death of the theatre would hardly be a thing for film producers to cheer over. The big companies never help to build this source. And never will they be able to get their material."

It is Dowling's contention "some good Broadway stuff would get before the public if the Broadway producers had a chance to make pictures." This statement seems to provide the key to his purpose in starting his venture.

A stage producer, according to Dowling, should do film producing only on his own. Accepting an offer from a picture company to work on the west coast he believes is risky business for a theatrical producer who hopes to retain his individuality. Picture work, he maintains, submerges his personality and makes him just another one in the Hollywood swim, with initiative gone.

Dowling puts the matter pithily when he remarks that when a stage producer goes out to the coast to produce for the films he merely succeeds in becoming "a good golfer."

Dowling says that when a stage producer transfers his activities to pictures, it affects the labor situation in the show business. It means less shows on Broadway, with the result that many players are thrown out of work. This only intensifies the difficulties of the legitimate theatre, Dowling asserts, making matters worse instead of improving them.

By making it easier in obtaining players from the Broadway stage, picture production in the East has the added advantage of eliminating expenses entailed by producers in bringing performers to the coast. Furthermore, he points out, the film companies would not be forced to hold out the lure of fancy salaries as an inducement for required stage personalities to enter picture work.

The producer's plans are flexible. He is figuring on from six to 24 features, all to be New York-made, this season, and perhaps all of them 50 per cent financed by Erpi. Aside from his deal with Arthur Hopkins on "The Great Adventure," Dowling is reported dickering with other stage producers. The arrangement carries indications he will have first call on vehicles these producers control.

He's For It

Across from the Eastern Service Studios in Astoria is a lunchroom that has been experiencing the doldrums since Paramount abandoned production in the East. It used to be jammed with film folk in the old days, since it happened to be the only dining place near the studio.

When asked whether he favored production in the East, the proprietor jumped at the idea with a big "Yes."

Plan 10 Pictures In Jersey Studio

With 10 pictures planned by Bud Pollard and a number of independents signing for space to produce for the state rights market, the Bud Pollard Studios at Grantwood, N. J., expect to be kept busy for the next several months. The studio formerly was known as the Royal. Pollard is giving a party on Oct. 14 for the press and independents' production representatives at the studio.

Having completed "The Horror," Pollard next plans to make "Dance Hall Dames" at his Grantwood plant. Also lined up for early production are "Metropolitan Murders," "Framed," "Lunatic at Large," "The Green Jade," "Strange Women of the World," "Kings of Laughter" and four others, titles of which are not yet set.

Oscar Micheaux is now making an all-colored feature there and expects to have it completed in a week. Kinematrade plans to make three "exploitation specials" and Gem Pictures Producing Corp. plans to turn out a series of "Goofytone Newsreels" for Universal release at this plant. Pollard states he is dickering with Aubrey Kennedy, who is seeking to lease space to make at least six features.

Name talent from stage and pictures is being sought by Pollard for his pictures. He has signed Betty Hamilton for one and is negotiating with Mary Nolan to make one. Jerre Barton has been named sound engineer at the studios, which has Western Electric, RCA and an independent sound recording device available.

Christie in Ranks of Old Hands in N.Y.

THE movement to set New York up as a rival to Hollywood in the business of making pictures is being given added impetus by Al Christie and his plan to produce in the East.

Not for 22 years has the producer made a picture in New York, which he quit in the early days of his career to try his fortune in Hollywood as a creator of comedies. And now he is back to do his bit in the drive to reestablish New York as a picture-producing center. Christie is already at work in the city. He is doing a two-reel comedy for Educational at the Astoria plant formerly used by Paramount, with Tom Howard featured.

He is sold on production in the East. The outlook to him appears bright. He feels changing conditions make production in the East inevitable. New York, he holds, is the logical place in which to make pictures—because New York has everything pictures require. And New York has Broadway, from which the industry draws much of its life-blood. So Christie is convinced New York is the place to work.

"The development of motion pictures during the past few years," he asserts, "makes it almost imperative that there shall be two production points in this country. New York and Hollywood will become equally important production centers. The close relationship between the stage and the screen, the latter drawing from the former everything from complete plays to directorial and acting talent, is one of the most important reasons for a film center in New York. Also, concentrating all the interests of the industry, which is both stupendous and unique, presents the danger of retarding creative growth.

"New York, within the next year, will probably see a 100 per cent increase in production. Broadway stage players will find it necessary only to cross a bridge instead of a continent."

Futter Will Make 26 Shorts in East

A minimum of 26 shorts will be made in the east by Walter Futter this season. The list includes a series of 13 "Curiosities" and another series of 13 John C. Medbury "Travelaughs." One of the former and three of the latter series have been completed.

The Medbury series, which will be released by Columbia, is being recorded on Brunswick sound at the Vitaphone studios, Brooklyn. The "Curiosities" series are being done at Futter's studio at 729 7th Ave. A release on these has not been set yet.

Although Futter has opened business headquarters in the RKO building, he will visit the coast several times a year and will make two features there this season for Resolute Pictures.

Recalls Native New Yorkers From Coast to Work in East

The staff Eddie Dowling has gathered around him at the Eastern Service Studios is composed wholly of native New Yorkers who have been recalled from Hollywood in order to help bring back the good old days when New York was a production center of note. Chief among those Dowling has returned to the East are Ben Jacksen, his chief of production; Arthur Edeson, first cameraman, and Arthur Ellis, film editor. The trio are referred to by him as "our three key men."

In explanation of his action in appointing New Yorkers to his staff, Dowling asserts that "this is the old home town for a majority of the best talent of the film studios.

"They were taken away," he adds, "because they were expert in their lines. We will bring them back again for the same good reason."

Dowling says he can give "examples by the score" of "graduates of the hard school of the theatre who have left New York and need only to be recalled, if we elect to make our films right here at home, less than 25 minutes of Broadway."

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FACTORIES IN

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Educational To Put 'Names' In Films Here

As an initial step in its announced plan to produce half of its 1933-34 product in the east, Educational is lining up "10 star names, a number of them appearing in the new season's Broadway musical comedy hits and on important radio programs." The company's production schedule in the east takes on full steam next week at the Eastern Service Studios in Astoria.

It will be remembered that it was the ease with which "names of box-office value" could be obtained in New York that is said to have influenced Educational to transfer some of its activities to the east. The company has made it known that it is planning "the most pretentious program of its career, from the standpoint of name value."

With Al Christie appointed production head of several units, and Jack White, formerly in charge of production at the Educational studios, signed as producer-director, Earle W. Hammons is now lining up a complete eastern production staff. Billy Watson, well-known comedy writer and director, is heading east to work with Christie, and Sig Herzig, author of "Moonlight and Pretzels," will work on stories with White.

White launches his activities next week when he begins work on the first short in Educational's musical comedy series. Chester Hale has been signed to arrange and direct the dance numbers in the film. The Chester Hale girls will interpret the dance routines. Benny Davis and James Hanley will do the music and lyrics.

Six other subjects have been scheduled for immediate production. These include the first subject in Educational's new Star comedy specials; a Coronet comedy; a Moran and Mack comedy, and the second in Tom Howard's starring series. All these will be made by Christie. White has also been given definite assignments on a star comedy "special" and another musical comedy.

Charlton Planning Nick Carter Series

Robert T. Charlton yesterday formed Zenith Prod. with temporary offices in the Godfrey Building to produce a series of Nick Carter stories. He controls the film rights to the series, published over a long period of years by Street & Smith, and expects to make 12 two-reelers for 1933-34 release.

Herbert Ashton, Jr., formerly with Columbia and Fox, will adapt the stories and direct the dialogue, while Lem F. Kennedy will co-direct with Ashton.

Herbert Rawlinson is being considered for the title role. While production will be centered in the east, no studio arrangements have been made as yet.

Vaude Back in Prov.

PROVIDENCE, Oct. 2.—Vaudeville will be resumed at the Albee Oct. 6.

They Came Out of the East

A QUICK glance at prominent players now working on the coast demonstrates that, while not all of them had their beginnings or rounded out their experience on or in the shadow of the legitimate theatre in New York, many of the best known names in pictures today did.

Those who are championing New York's come-back as a production center point to Hollywood's recruits from Gotham as proof sufficient that there are more where these came from.

While not all-embracing and making no pretenses at being so, the following list includes many players who started in New York or first attracted studio scouts' attention to their ability:

Columbia

Walter Connolly, Alan Dinehart, Glenda Farrell, Wallace Ford, Monroe Owsley, Gene Raymond, Ned Sparks and Peggy Shannon.

Fox

Henrietta Crosman, James Dunn, Preston Foster, Philip Merivale, Ralph Morgan, Will Rogers and Spencer Tracy.

Metro-Goldwyn-Mayer

Ethel, John and Lionel Barrymore, Wallace Beery, Alice Brady, Charles Butterworth, Mae Clarke, Joan Crawford, Marion Davies, Marie Dressler, Jimmy Durante, Madge Evans, Clark Gable, Helen Hayes, Walter Huston, Otto Kruger, Ben Lyon, Jeanette MacDonald, Willard Mack, Una Merkel, Robert Montgomery, Frank Morgan, Jack Pearl, May Robson, Franchot Tone, Lee Tracy and Ed Wynn.

Paramount

Adrienne Ames, Mary Boland, Burns and Allen, Claudette Colbert, W. C. Fields, Four Marx Brothers, Frances Fuller, Cary Grant, Miriam Hopkins, Jack La Rue, Fredric March, Jack Oakie, Lyda Roberti, Charles Ruggles, George Raft, Sylvia Sidney, Alison Skipworth and Mae West.

RKO Pictures

Fred Astaire. John Barrymore, Constance Bennett, June Brewster, Bill Cagney, "Chick" Chandler, Irene Dunne, Betty Furness, William Gargan, Wynne Gibson, Ann Harding, Katharine Hepburn, Leslie Howard, Arline Judge, Pert Kelton, Francis Lederer, Dorothy Lee, Eric Linden, Helen Mack, Ginger Rogers, Bert Wheeler, Robert Woolsey.

Warner-First National

Robert Barrat, Joan Blondell, George Brent, Joe E. Brown, James Cagney, Ruth Chatterton, Bette Davis, Ruth Donnelly, Glenda Farrell, Kay Francis, Hugh Herbert, Arthur Hohl, Leslie Howard, Allen Jenkins, Al Jolson, Ruby Keeler, Guy Kibbee, Aline MacMahon, Frank McHugh, Adolphe Menjou, Paul Muni, Pat O'Brien, William Powell, Edward G. Robinson, Barbara Stanwyck, Lyle Talbot, Sheila Terry, Helen Vinson, Gordon Westcott, Warren William.

United Artists

Judith Anderson, Lionel Atwill, Eddie Cantor, Tuilio Carminati, Russ Colombo, Douglas Fairbanks, Eddie Foy, Jr., Texas Guinan, Mary Pickford, Blossom Seeley, Andrew Toombs and Frances Williams.

Universal

John Boles, Leila Hyams, June Knight, Edmund Lowe, Roger Pryor, Claude Rains, Margaret Sullavan.

Rowland-Brice Set On Musical, Shorts

Rowland-Brice Prod., with "Moonlight and Pretzels" and "Take a Chance" behind them, expect to make "Singing Troubadour" as their next musical in New York.

In addition to their feature activity, the company is under contract to Universal for a series of 16 shorts featuring Broadway and radio personalities. Thirteen are completed, including four with Morton Downey, four with Louis Sobol, columnist of the *New York Evening Journal*, three with Nick Kenny, radio editor of the *New York Daily Mirror*, and two with Walter Winchell, columnist on the same tabloid.

Bray Planning Two Single Reel Series

Bray Productions is making two series of one-reelers in the east, both of them for distribution via Columbia.

One series is known as "Minute Mysteries," two of which are finished and were directed by Lynn Shores with Ben Schwab as production manager. They were made at the Fox Movietone News studio. The yarns are based on stories by H. A. Ripley which are appearing in the *Chicago Tribune* and the *New York Daily News* and syndicated to other newspapers throughout the country.

The second series is "World of Sports." RCA Photophone is being used on both.

East Is Only Spot To Make Shorts - Sax

(*Continued from page* 14)

tion schedule—a schedule which at the Vitaphone Studios here bears the regularity of a train time-table.

"In New York," he says, "we can get the services of a performer in no time. There are no heavy transportation costs to worry about. And there is no fancy financial consideration such as you have to offer a stage star brought expressly to the coast for picture work. Since work in shorts made here would not interfere with the performer's stage appearances, the salary demands are likely to be reasonable. The money made from picture sources under this arrangement is regarded by the performer simply as extra money augmenting the stage or radio earnings.

"If our shorts were made on the coast and we desired a certain performer tied up with a stage engagement at the time, we would be forced to wait perhaps for months until the show completed its run on Broadway. To do this would impel us to break up our production schedule. We would be operating in a continual stage of confusion. And a program like ours calling for 160 reels of shorts a year cannot be got through on time or with profit showing unless it is carried out with system and dispatch."

To make musical shorts on the coast would mean loss of the services of many noted stage performers who would never think of giving up stage work to appear in shorts, according to Sax. In the east the shorts producer does not suffer from this score, for the star can appear in pictures without abandoning the stage activities he values so highly. The film work can be done between stage performances.

Sax expressed the belief that, apart from the added costs incidental to the transportation of talent from New York to Hollywood, the production of Vitaphone shorts on the coast would be a heavier drain on the company's finances than in the east. The tremendous overhead that is the rule in Hollywood picture making he says would reduce profits. "Here we have a short-reel organization, with a short-reel overhead," is the way Sax expresses it.

With all these factors taken into consideration, musical shorts production on the coast would be disastrous from a financial point of view, according to Sax.

He points out that what applies to stage and radio performers applies equally to writers and other talent engaged in the stage production.

See Need in East For Finance Unit

(*Continued from page* 14)

true. On the coast, they assert, the number of pictures turned out is so great that 50 "flops" out of a year's total attract little attention, whereas one "flop" out of the handful of pictures turned out in the east sticks out like a sore thumb. On comparative figures, they maintain, the west would be making a worse showing.

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Weiss Plans All Activity In the East

Producing independently in the East, Louis Weiss plans to make a number of pictures under various corporate names, including Exploitation Pictures, Inc., Stage & Screen Productions and International Stageplay Pictures, Inc. He is supervising all pictures himself.

Already completed are "Enlighten Thy Daughter," which was produced at the Photocolor Studios at Irvington, N. Y.; "Drums o' Voodoo," with an all-colored cast, at the Atlas Studios in Long Island City; "Before Morning," with Leo Carrillo, Herbert Rawlinson and a number of other stage stars at the same plant.

Distribution will be through state rights exchanges. Weiss plans to organize a colored stock company provided "Drums o' Voodoo" gets over. The picture will be roadshown in various spots before being nationally released.

Weiss expects to start his next picture in about five weeks. Studio is not yet set.

Jafa's List of 4 To Be Put Through

Plans of Jewish American Film Arts (JAFA) to make four features in Yiddish and English will go through, the company declared yesterday.

The company recently finished "The Wandering Jew" in Yiddish only with Jacob Ben-Ami and a number of the cast currently appearing in "The Romance of a People," pageant dealing with 4,000 years of Jewish history now running nightly at the Kingsbridge Armory in the Bronx.

George Roland, who directed the first, will handle the remaining four while Herman Ross will be the producer. "The Wandering Jew" was made at the Atlas Studio where the others probably will be made as well.

Edwin Hill Series May Be a Feature

On schedule as a series of 12 shorts, Master Art Products is considering, but has not yet decided, making "The Human Side of the News" into a feature. Edwin C. Hill, newspaperman and radio news commentator, will be featured.

"Pet Superstitions," another of Master Arts series, may be partially produced in the East as well.

All "Wide Range"

The Eastern Service Studios in Astoria, occupying the former Paramount production headquarters in the East, is said to be the only picture plant in the United States at the moment provided with complete Erpi "Wide Range" sound recording equipment.

Plans Four More

Chester Erskine, Broadway stage producer, who recently completed "Midnight" at the Biograph studio in the Bronx, has plans for four more features to be made in New York. He will not only produce, but direct.

Reports are current that "Midnight" will be released through RKO, although no deal has been struck as yet.

Paramount Making Shorts List Here

All Paramount shorts are being made in the East. "Paramount Headliners," 13 strong and each in one-reel, are down on the schedule for production at the company's newsreel headquarters on West 43rd St. Two were finished the other day at Eastern Service Studio, although some of them may be made on the coast. Availability of talent is the determining factor.

Other shorts made here include the 13 "Screen Souveniers," 13 "Paramount Pictorials," 13 "Sportlights," 12 "Betty Boops," 12 "Popeyes" and 12 "Screen Songs." The last three series are produced by Max Fleischer, who has always maintained headquarters in New York.

Pinnacle Will Make Four Features Here

Pinnacle Pictures, latest of eastern producers, is in formation with a planned schedule of four features. First is "Grey Riders," written by Pat Powers, not the film executive, but a former state trooper.

The company expects to get its initial picture in work next month. It will use RCA "High Fidelity" sound. No studio has been selected as yet.

Jack McKee is the prime mover behind the enterprise. He declares eastern financial men are his backers.

First Magna Ready; Plans Hanging Fire

Magna Pictures, headed by Meyer Davis, orchestra leader, has completed one musical short and, for the time being, has no immediate plans for further production.

Completed is "That's the Captain," with Arthur Tracy, Baby Rose Marie, Freddie Rich's orchestra, Ray Knight and others. Ray McCarey, former Vitaphone director, is with the company.

One Starmark Ready

"Get That Venus," produced by Starmark for release through Regent, has been finished. Produced at Fort Lee and directed by Grover Lee, the cast includes Ernest Truex, Jean Arthur, Molly O'Day, Herbert Rawlinson and Tom Howard.

Keaton May Do Two Here

Buster Keaton may make two pictures in the East when he completes a personal appearance tour now under way. Joe Rivkin of the Leo Morrison office is working on a deal.

Audio Yet to Finally Set Its Program

Scientific shorts, re-edited for theatrical use, will be handled by Audio Prod., recently formed by Erpi, with W. A. Bach, long an executive with that company, as president. While Audio expects to produce, its plans are not definitely set as to number. Whatever production is undertaken, however, will be centered in the Eastern Service Studios in Astoria and the Bronx.

"We shall undertake the production of a series of short pictures, animated or otherwise, when a series presents itself to us that seems unusual and entertaining," said Bach yesterday.

"We shall cooperate with producers in a consulting capacity in the many instances bound to arise where our facilities and specialized experience can enable us to be of service. It is impossible at this state to give specific figures on all our plans."

Dicker for Six at Oceanside Studios

Six features are planned for production at the Hayes & Beall studios at Oceanside, Long Island. Max Hayes says negotiations are practically set and details will be ready for release in a few days. Three stages with the necessary sound equipment are ready.

Goldwyn to Film "Oz"

HOLLYWOOD, Oct. 2.—"The Wizard of Oz" is to be made into a screen musical extravaganza by Samuel Goldwyn for release by United Artists. Written by Frank Baum, it has been the greatest juvenile best seller in American literature since 1900. Fred Stone and the late Dave Montgomery starred in the stage production.

An early start is planned. A new score will be written and the film probably will be done in color.

Sheridan to Station KSO

DES MOINES, Oct. 2.—Hal R. Sheridan has resigned as manager of the Des Moines to become manager of radio station KSO, owned by the *Des Moines Register & Tribune*. He was manager for Fox in New Jersey and lower New York in 1930, and as such opened the first all children's theatre in Jersey City, having co-operation of Herbert Hoover, then president, in the project.

Cancel Barrymore Date

COLUMBUS, Oct. 2.—The engagement of Ethel Barrymore and five vaudeville acts accompanying her, booked for the RKO Palace next week, has been cancelled, due to labor troubles when a stage show plays here, according to a statement from the theatre.

Failures Hit Dayton

DAYTON, Oct. 2.—Theatres, as well as business generally, are suffering a reaction since eight building and loan companies, with deposits aggregating several millions, were taken over by the state late last week. All will be liquidated.

Brown Favors Contact Trips By All Talent

KANSAS CITY, Oct. 2.—Studios should make it compulsory for picture makers to go out in the field at least once a year and freshen up on viewpoints by mingling with those who sell pictures to the exhibitor and with exhibitors themselves, believes Clarence Brown, M-G-M director.

He is seizing the opportunity to do just that during a west-to-east coast flight, which primarily and officially is to map the route of the "Night Flight Derby."

"Exhibitors are losing thousands of dollars a year by not exploiting to the fullest the possibilities of pictures with name values," he said.

Brown believes star lending is detrimental to the studio which has the borrowed players under contract. The practice is all right as far as minor actors are concerned and as a means of providing temporary payroll relief, but where major players are involved, it proves a boomerang, the competition thus set up more than offsetting the benefits, in his opinion.

Concerning the recent trend toward percentage deals with talent, Brown said these would be acceptable if on a percentage of the gross. Basing the split on a percentage of profits would be rejected by important players, directors and writers, he declared.

Amplifying his view that directors should make field trips, Brown said "it was a mistake to sit in Hollywood and depend on the ideas of others in the business as to what is wanted, without getting out once in a while."

The same applies to previews, and for this reason studios have been taking pictures to San Diego and other points outside the Hollywood sector for audience reaction before final editing. In this connection, he favors reviewing of pictures when they are actually ready and not before, as a report on an unedited version is inaccurate and gives the wrong impression.

Brown stayed overnight in Kansas City and met a number of people, including, among others, Harris P. Wolfberg, M-G-M district manager; Frank Hensler, branch manager, and John McManus, manager of Loew's Midland.

Warner Lease Suit Filed in Milwaukee

MILWAUKEE, Oct. 2.—Suit for $100,000 has been brought against Warners by the Baker Building Co. of Racine, charging breach of a lease. It is alleged that under the 15-year lease which the circuit holds on the Rialto there is an agreement to keep the house open for a period of 10 months each year.

It is agreed that Warners have been paying the rent, but that they have not operated the theatre for the specified period. It is alleged that because of failure to keep the theatre open the rest of the building has been damaged.

Wanger Coming East?

HOLLYWOOD, Oct. 2.—Reports persist Walter Wanger is leaving M-G-M to rejoin Paramount in the east. No confirmation can be had.

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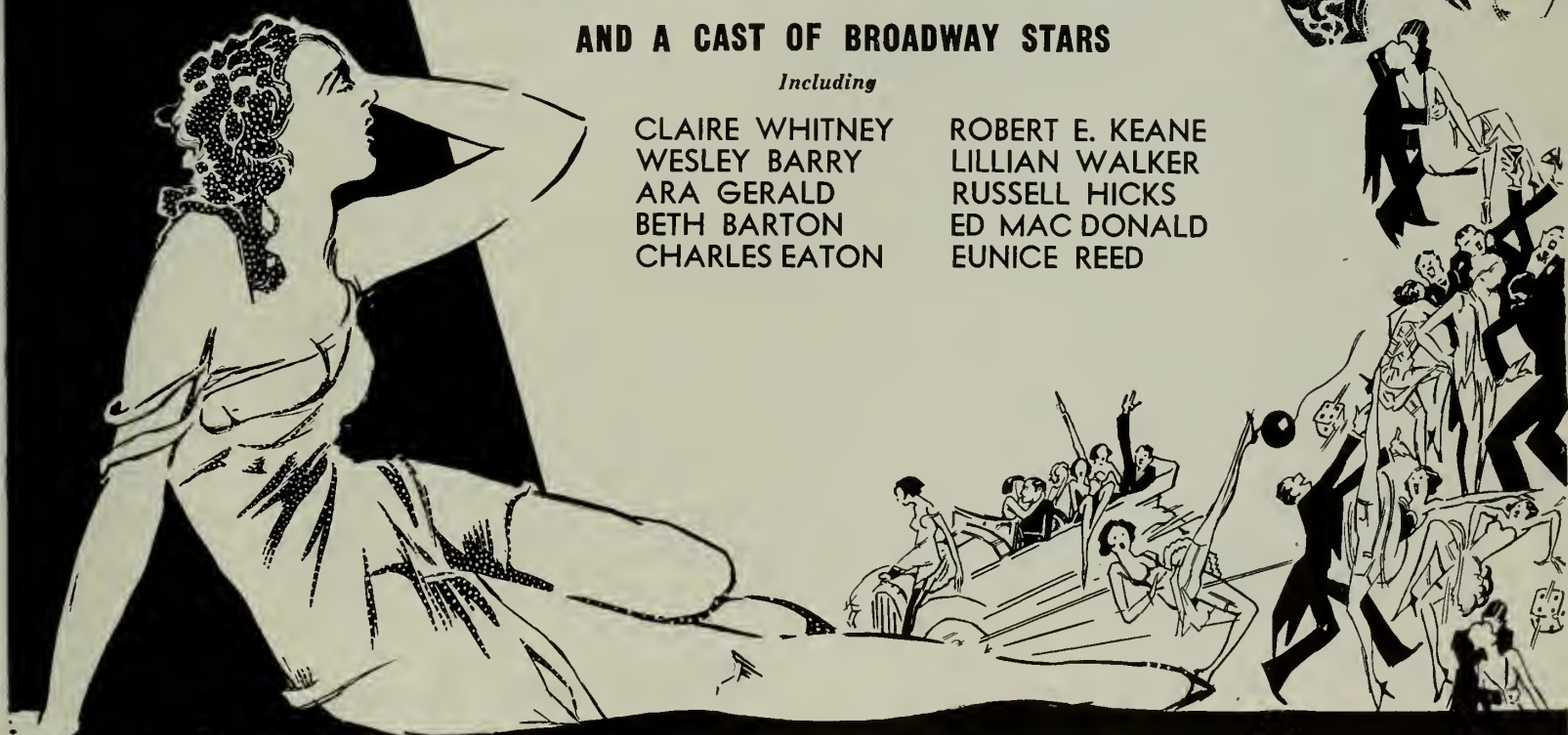

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CABLE-WEISSPICT N.Y.

Hatch and Newman Open N. Y. 'Change

Stanley W. Hatch and Arthur Newman, both well known for many years in distribution in the East, yesterday opened a New York exchange called Beverly Hills Prod., which, besides Beverly product, formerly handled by Invincible, will also distribute in this territory other series and individual one, two and three reel subjects. On the program for 1933-34 are 15 Elmer Clifton subjects.

"U" Cameraman Shot

HAVANA, Oct. 2.—Joseph Gibson, a Universal newsreel man, was among those wounded in riots that took six lives recently when police tried to break up a Communist parade here. Gibson, who received several bullets in his legs, was not seriously wounded. Newsreel shots taken by him were confiscated by police.

JOHN HENRY McKEE

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Rental Ruling To Affect Big Publix Claims

More than $30,000,000 in possible future rent claims against Publix Enterprises are affected by a ruling handed down by Referee Henry K. Davis last week disallowing an amended claim for approximately $620,000 which the owners of three Missouri theatres sought leave to file early in September.

A similar ruling on all or a majority of the claims arising from lease obligations would eliminate one of the major reorganization problems faced by Irving Trust Co. as trustee in bankruptcy for Paramount Publix, it was stated yesterday. An Irving Trust representative estimated that approximately $8,000,000 in future rent claims were already pending, awaiting a ruling of the referee. The filing of an additional $22,000,000 in future rent claims is believed to hinge on the disposition of those now awaiting rulings.

The Missouri claim was based on future rents for the period of leases on the Paramount at Springfield, Paramount at Joplin, and Electric at Kansas City, formerly operated by Publix-Dubinsky. The leases aggregated approximately $2,000,000 and the amended claim of $620,000 was filed by the owners in accordance with Missouri bankruptcy laws. While Referee Davis's ruling refusing to allow the claims is not regarded by Publix Enterprises' trustees as establishing a precedent in such cases, they said, it is regarded as strengthening their position in contesting similar claims now pending. One such, filed by the Georgia Realty Corp., involving about $2,500,000, will be heard by Referee Davis on Thursday.

Decision Reserved On Appeal by Zirn

Decision was reserved yesterday by the U. S. Circuit Court of Appeals on the motion of Samuel Zirn, counsel for a group of Paramount bondholders, for permission to appeal a decision denying an earlier motion to remove the Paramount trustees in bankruptcy and Referee Henry K. Davis.

Zirn and attorneys for Davis and the Paramount trustees were given until Wednesday to file additional briefs on the motion, with a ruling expected from the court in about two weeks.

Zirn's first motion to remove Trustees Charles D. Hilles, Eugene W. Leake and Charles E. Richardson and Referee Davis was denied by Judge Francis G. Coleman in U. S. District Court here last June. His motion, as well as his appeal yesterday, was based on alleged affiliations of the trustees with financial and film interests which, Zirn charged, were prejudicial to the interests of general creditors. His motion charged Referee Davis with bias.

"Scandals" on RKO Time

George White's "Scandals" is not going out over Loew time, as stated in the MOTION PICTURE DAILY on Friday. White says his show is now playing RKO time under an arrangement made by himself.

Publix Tennessee Group to New Unit

Publix Enterprises trustees yesterday were authorized by Referee Henry K. Davis to form a new corporation to take over newly negotiated leases on four Chattanooga and Nashville theatres from the trustee in bankruptcy for Tennessee Enterprises, a Publix subsidiary.

The theatres involved are the State, Tivoli and Rialto at Chattanooga and Paramount at Nashville. Assignment of the leases to the new corporation was contingent upon purchase of the equipment in the State and Paramount for $40,000 by Publix Enterprises. The purchase was approved by Referee Davis over a single objection filed by Georgia Realty Corp., lessor of various southern theatres to Publix Enterprises, the validity of whose claim for over $2,500,000 on future rents will be ruled on Thursday by Referee Davis.

Three other petitions of the Publix Enterprises' trustees scheduled to have been heard yesterday were postponed to Thursday on the petition of attorneys for Paramount Publix bondholders. The petitions involved settlement of claims involving over $1,500,000 against A. H. Blank; a proposed settlement of claims aggregating more than $2,200,000 involving Karl Hoblitzelle and the Interstate Circuit, Texas, and approval of a contract negotiated by the Publix Enterprises trustees with Frank Perry involving the settlement of about $250,000 in claims against Virginia and Tennessee theatre subsidiaries.

Strand, Milwaukee To Open on Oct. 7

MILWAUKEE, Oct. 2.—With the Strand scheduled to reopen Oct. 7 as a Warner house, all first runs will again be functioning for the first time in many moons. The Strand, formerly operated by Midwesco, has been dark for many months and before that was operated only intermittently. The 1400-seat house is being redecorated before reopening.

Reopenings during the past several weeks around the state have been numerous and local exhibitors report improved business with a 30 per cent increase in attendance at downtown houses and an increase of approximately 25 per cent reported by neighborhood exhibitors.

The Hollywood, local neighborhood house formerly operated by the A. E. A. Corp., reopened Sept. 28 under the direction of the Hollywood Theatre of Milwaukee, Inc., while the Roosevelt, formerly the Iris, reopened Sept. 30 under the direction of John Ludwig. Reopenings in the state include the Empire at Manitowoc, under the operation of R. H. Bogel and the Falls at Sheboygan Falls by Mike Lencione.

Associated Film Expands

KANSAS CITY, Oct. 2.—Associated Film Distributors of Kansas City, independent firm, is completing a program of expansion with branches in Des Moines, St. Louis and Memphis already established and a fourth to be opened in the southwest, according to Marvin Godwin, general manager.

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Behind the Make-Up

BY ED DAWSON

J. EDWARD SHUGRUE and Jerrold Krimsky of Filmchoice are taking it a little easier now that John Krimsky is back from Europe and "Emperor Jones" has been opened.

* * *

Joe Rock, producer of "Krakatoa," will soon step into a swell spot with one of the film companies.

* * *

Arthur Edeson, first cameraman on the "Great Adventure" production, is on the coast. Made it via the air line.

* * *

George Fay, formerly of M-G-M's production department, is the latest of the west coast men to come back east to work.

* * *

Louis Weiss has just finished his latest picture, "Enlighten Thy Daughter," which he produced at the Photocolor studios at Irvington-on-the Hudson.

* * *

Ray Klune, formerly with D. W. Griffith and United Artists, is in complete charge of production for all Educational pictures to be made in the east.

* * *

That fellow, Jack White, can hardly wait to start work on the first of the Educational shorts he is to direct here. He's all around the town looking for likely prospects.

* * *

Joe Kane, sound technician over at Eastern has a collection of 9,643 photographs of his year-old daughter. By the time she reaches 21 Joe will have quite a collection at present speed.

* * *

Paul Florenz, who directs all the dance routines in Vitaphone's Eastern productions, is a daddy for the second time. His new pride and joy is a boy.

* * *

Ballard MacDonald and Milton Schwarzwald's latest tune, "Moonlight Troubadour," written for Nick Lucas in the Mentone short, "On the Air and Off," is to be published.

* * *

Dolph Singer has been put on in the comedy department of Vitaphone. Eddie Moran has been transferred to the music department of the same outfit.

All for Bruce

Watched funny, little Eddie Bruce with his inevitable cigar and oddly shaped hat go through his paces in the Vitaphone short in which Molly Picon was featured. Bruce, we understand, will be in the "Easy Aces" short to be shot today at the same studio. What we cannot understand is why this ace comedian is not featured in a short of his own.

Buster Keaton, who has been doing the rounds of little ol' N' York these past few months, has started work at a St. Louis theatre, in a vaudeville act in which he uses seven stooges.

* * *

Duke Ellington will go to the coast to make a picture for Paramount when he finishes his Texas tour in December. The Duke has made a number of short subjects, but this will be his first feature.

* * *

Lynn Shores' West Coast studio over on 57th St. has been busy on the fourth of the Mentone shorts to be produced there. The entire cast was composed of actors from the Catholic Actors' Guild.

* * *

Frank Tours and Max Manne, who used to be on the Paramount-Publix music staff, did the arranging of the musical score for the John Krimsky-Gifford Cochran "Emperor Jones" production.

* * *

Fred Waller, Paramount News director, and Bill Steiner of Eastern Service studio have been putting Borrah Minnevitch and his Harmonica Rascals through their paces for a Paramount short.

* * *

Bill Miller, who recently finished shooting "Get That Venus" for Starmark Prod., expects to fly to Chicago any day now to take location shots of "The Century of Progress" for Paramount.

* * *

Mrs. Evelyn Oakie, Jack's ma, packed up her rocking chair a few weeks ago and is now East to make personal appearances in connection with "Too Much Harmony," the Paramount picture in which she made her debut.

* * *

Roland Young, who has just completed work as the male lead in the Eddie Dowling production, "The Great Adventure," is now rehearsing for the lead in the new Max Gordon stage play, "His Master's Voice," which opens soon on Broadway.

* * *

According to Marion Stone, owner of the Stone Film Library, recognition of film libraries has been confined to this city and Hollywood until this year. Now, Mrs. Stone says she has been getting calls from all over the world for atmospheric shots.

* * *

Jerry Wald, head of the casting and story department of Meyer Davis' Magna Pictures, has been loaned to Warners to write an original dealing with radio. Edward G. Robinson and Dick Powell are slated to play the leads. He is on his way to the coast.

* * *

Alex Gray appeared at the Roxy the past week and sang practically every old number he knows. What we want to know is why he omitted the swell number he did in the Rowland-Brice "Moonlight and Pretzel" flicker.

* * *

Mickey Mouses's fifth birthday was not only celebrated with big parties but was also honored with numerous broadcasts over many stations. No more bands and orchestras were ever grouped together for an occasion of this kind. The happy rodent deserved it all.

* * *

Ralph Staub, who has been a shorts director for the past six or seven years for Columbia, has taken Ray McCarey's place out at Vitaphone. McCarey has been taking a much-needed rest, but is all set now to direct for Meyer Davis' Magna Pictures.

* * *

George Twerlinger, director; Carl Berger and George Hinners, cameramen, have left with their equipment for Kingston, Jamaica, to take shots for an English quota picture. They will probably run into Harry Squires and Bert Pike, who are down there on the "Joan Lowell" job.

* * *

Joseph Henabery has finally achieved the goal he has coveted these many months. He is now the undisputed champion ping-ponger of the Vitaphone directors, having recently beaten Roy Mack and Ray McCarey. Championship of the entire studio is a toss-up between Jack Henley and Cy Woods. Running a close third is Atvos Otvos.

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Directed by
GEORGE MELFORD

In production

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Directed by
LUTHER REED

Production Manager
RAYMOND FRIEDGEN

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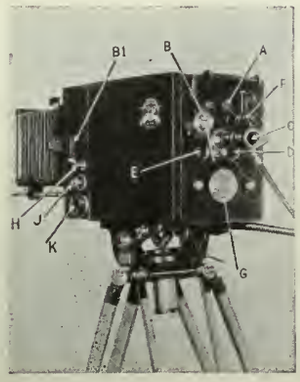
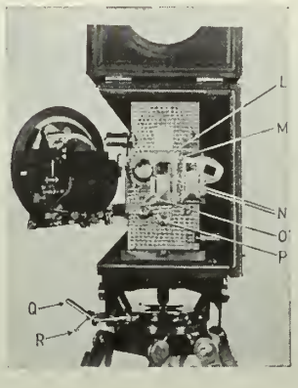
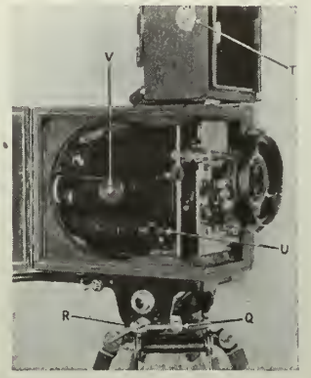
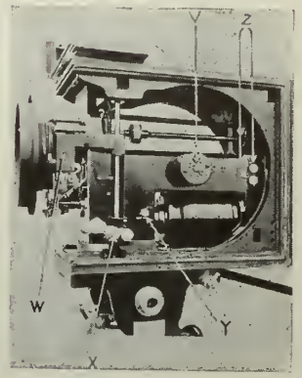
DEBRIE SUPER-PARVO . The Silent Camera

By ALVIN WYCKOFF









A—Knob for shifting of Ground Class; B—Focusing Dial; C—Focusing Tube (8x); D—Speed Indicator Dial; E—Footage and Turn Counter; F—Locket and Switch with Electro-Magnetic Cut-out; G—Hand-crank and Opening for removal of Motor; H—Automatic Fade and Lap Dissolve; J—Hand Fade; K—Knob for Locking Case; L—Ground Glass; M—Intermittent Pressure Plate; N—Register Pins; O—Film Punch; P—Pivot for Gate and Ground Glass; Q—Pan Adjustment; R—Tilt Adjustment; T—Knob for Closing Shutter; U—Oil Level; V—Take-ups; W—Switch for Automatic Fade; X—Automatic Switch for Anti-buckling Device; Y—Gear Shift for Motors of 1500 or 2400 RPM.; Z—Knobs for setting Footage and Turn Counters to zero.

"All ready for action! Quiet please! Turn it over!"

Long pause.

"Well, what about it, why don't you start?"

"We have started, Mr. Director; the camera is running."

"I'm sitting only 18 inches from it and I can't hear it."

"Mr. Mixer, you have the microphone right up to the camera, could you hear it?"

"No, Mr. Director, I couldn't; I don't think it was running."

"Mr. Director, we haven't turned it off yet; so I will open the door of the camera to prove that it IS going."

The door was opened and the camera WAS running—the purr of the mechanism could now be plainly heard.

Astonishment reigned supreme—never before had I heard anything mechanical for the use of exposing motion picture film that was so quiet. I remained for hours to study this new camera. It was a revelation in every way.

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Four hours after its first demonstration the camera was purchased, with cash paid, by one of the prominent commercial studios located in the East. Here, it seems to me, is the answer to that long desired demand for a high class motion picture camera that would do away with the cumbersome blimp and free the cameraman from the dread of missing an important scene due to the handicapping of the instrument he must work with in an effort to constantly improve his art.

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in

Eugene O'Neill's

EMPEROR JONES

with DUDLEY DIGGES

The box-office thrill of the year

Directed by DUDLEY MURPHY

Released thru UNITED ARTISTS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 80 NEW YORK, WEDNESDAY, OCTOBER 4, 1933 TEN CENTS

Code Attempts Likened To Oil Industry Delay

Cutting Down Of "Nuisance" Taxes Planned

House Leader Lays Out Congress Program

WASHINGTON, Oct. 3.—Elimination of as many nuisance taxes as possible will be sought at the next session of Congress by the House Ways and Means Committee, according to Representative Robert L. Doughton, North Carolina, chairman.

Plans now under consideration by Doughton contemplate the use of revenue from liquor taxes to permit repeal of a number of levies in the last tax law, including, possibly, gasoline and check taxes.

The aim of the committee, according to Doughton, will not only be

(*Continued on page 3*)

Brandt Will Make Code Report, Quit

WASHINGTON, Oct. 3.—Joe Brandt, appointed official adviser on the film code to the NRA over the week-end by Deputy NRA Administrator Sol A. Rosenblatt, will submit a report on the code to the

(*Continued on page 3*)

NRA Consolidating Its Work on Codes

WASHINGTON, Oct. 3.—Not officially announced, but anticipated here for some time is a reorganization of the NRA which was spurred into

(*Continued on page 3*)

Honeymooning

That Niagara Falls honeymoon of Arthur Loew's was Niagara Falls, Long Island, if there is any such place, say some of his friends. Loew made appearances at his office both Monday and yesterday and has been seen about town inspecting new apartments. His literal-minded secretary is being blamed for the Niagara Falls legend.

"Where will I tell callers you are?" she asked Loew the day he left his office to be married.

"Niagara Falls," he replied. And so she did.

Supply Code Is Rejected By the NRA

WASHINGTON, Oct. 3.—For the first time since the creation of the National Recovery Administration proposals for a code were rejected during the course of a public hearing today when K. Dameron, assistant to Deputy NRA Administrator A. D. Whiteside, to whom the motion picture supply code had been transferred by Sol A. Rosenblatt, stopped the hearing on the ground that the National Theatre Supply Co. and the Independent Theatre Supply Dealers' Ass'n, proponents, were not "truly representative" of the industry.

Efforts of the recovery administration officials early in the hearing to

(*Continued on page 3*)

Government Silent On Anti-Trust Law

WASHINGTON, Oct. 3.—While the Justice Department, following its usual course, will make no statements on litigation pending between the Government and business, there are no known instances where the department has actively pursued anti-trust law cases since the enactment of the National Industrial Recovery Act.

This is in keeping with the Administration's attitude on relaxing laws

(*Continued on page 3*)

Article 10

Washington, Oct. 3.—"You can lead a horse to water, but you cannot make him drink."

That's how Article 10—the so-called anti "star raiding" clause, now fortified with more and sharper teeth—stands tonight, according to a spokesman who ought to know.

Code Reported Complete and Authority Set

(BULLETIN)

WASHINGTON, Oct. 3.—It was understood here at a late hour tonight that Deputy NRA Administrator Sol A. Rosenblatt had a complete code ready for presentation to industry leaders gathered here.

His selections for the code authority, it is understood, are: Sidney R. Kent, president of Fox; Nicholas M. Schenck, president of M-G-M; Harry M. Warner, president of Warners; R. H. Cochrane, vice-president of Universal; George J. Schaefer, general manager of Paramount-Publix; Al Lichtman, vice-president of United Artists; Charles L. O'Reilly, president of the New York Theatre Owners' Chamber of Commerce; Ed Kuykendall, president of the MPTOA; M. E. Comerford, president of the

(*Continued on page 8*)

Code Should Prevent Any Dual Bars, Says Schechter

WASHINGTON, Oct. 3.—Failure to include a clause on double bills in the code will leave independent producers, distributors and exhibitors without the protection they seek, declares Jacob Schechter, counsel for the Federation of the M. P. Industry. His remarks were made today in reply to statements by Fred S. Meyer, chairman of the committee on public relations of the M. P. T. O. A., and W. Ray Johnston, president of Monogram, which appeared yesterday in the MOTION PICTURE DAILY.

"Elimination from the code of any reference to double features will not accomplish the results so earnestly contended for by independent producers, distributors and exhibitors,"

(*Continued on page 3*)

Draft by Rosenblatt Not Expected to Be Complete

By RED KANN

WASHINGTON, Oct. 3.—Films are following oil in the current attempts being made to appease all conflicting groups in the codifying procedure to be set up under the NRA, but with little success.

Almost step by step what has happened in the oil industry's code hearings has been repeated up to this point in the film industry's, and in the opinion of the observers who have made a study of NRA history to date there is no reason to suppose the code for the film industry will be pushed through in any way. That means the government, undoubtedly against its will, finally will be compelled to write it.

Of the codes drawn and signed by President Roosevelt and now operating, not one represents 100 per cent harmony of ideas. There is no expectation that any code framed for the film industry will be any different from the others in this respect.

Tonight, on the eve of the third effort to bring opposing industry groups into line, the situation which cropped up during the first and second

(*Continued on page 8*)

Actors' Move Stirs Coast Speculation

HOLLYWOOD, Oct. 3.—What effect withdrawal of a number of well known actors will have on the Academy is a subject of speculation today. Some talk is to the effect that directors will join with the insurgent actors in forming an Actors-Directors' Guild similar to the Writers' Guild.

Others incline to the belief the action was hasty. A third group says that even if the actors form their own

(*Continued on page 3*)

And He Meant It!

Arthur Mayer, after reading the list of 14 actors who walked out on the Academy of M. P. Arts and Sciences, cracked:

"That would make a great cast for one picture."

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Arguments Heard in Big Electrics' Suit

WILMINGTON, Oct. 3.—Arguments were heard today by Judge John P. Nields in U. S. District Court on a request for a bill of particulars in the anti-trust, anti-monopoly suit brought by the Stanley Co., Duovac Radio Corp., General Talking Pictures against A. T. & T., Western Electric and Erpi.

The hearing was on motion of the defendants preliminary to final hearing. Decision was reserved.

"Itchy" Set in Canada

Joe Goldberg, general sales manager of Resolute Pictures, has closed with Canadian Educational Films, Ltd., for distribution in Canada of "Itchy Scratchy," produced by Walter Futter.

Contract has also been set with Ben Judell for distribution of the subject in Chicago, Milwaukee, Indianapolis and St. Louis. Territories previously sold include New York, New England, Philadelphia, Washington, Pittsburgh, Cleveland, Cincinnati and the Southwest.

Fritz Friend Dead

DETROIT, Oct. 3.—Fritz Friend, formerly with Principal and Warners, died today after a long illness. The Film Board of Trade is seeking word of his relatives. He worked in Omaha for several years.

BEN BLUE
Now Working In
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Looking 'Em Over

"The Thrill Hunter"

(Columbia)

Buck Jones' fans will like this comedy melodrama in which the hero provides a goodly quota of thrills and laughs. He takes the role of a cowboy who brags about his exploits as an auto racer and an airplane stunt man in China and as a result is given a job by a Hollywood movie company when they hear his story while on location. He gets the lead in Dorothy Revier's picture and turns out to be a flop when it comes to stunting. Discouraged, he returns home and captures two bandits involved in his home town bank robbery, who are abducting the leading lady. He shows his true colors in rescuing her and is acclaimed as the big town hero. He is given the key to the city of Hewitt and a large reward. The girl now believes he has the spunk to make good and agrees to become his partner for life.

There are a number of exciting shots on the auto race track and in the air, which, in addition to the final rescue scene, will keep the youngsters well satisfied. George B. Seitz directed.

SHORTS

"Spilled Salt"

(Master Arts)

An amusing addition to the "Pet Superstition" series which describes through the medium of a completely staged dramatic episode, the origin of the popular custom of throwing salt over one's shoulder after spilling in order to avoid bad luck. The subject places the origin of the custom as about 2,000 years ago, an outgrowth of an incident which saved a man's life. Interesting and amusingly presented. Running time, 9½ mins.

"Boss Tweed"

(Columbia)

This is the first of the "March of the Years" series and, although dealing primarily with the Tweed graft ring which operated in New York immediately after the Civil War, makes excursions into the periods bounded by the appearance of the modern corset and the airplane. The reel has dramatic interest but suffers from poor continuity. Running time, 9½ mins.

Sales Faster—Sears

Sales in Warners western and southern territories have been much faster this year than last, says Gradwell Sears, sales head for these territories, in spite of the late start. Ninety-five per cent of his major deals will be complete by the end of next week, he asserts.

Shift Denver "U" Shift

DENVER, Oct. 3.—The following changes have been made by Jack Langan, manager of the Universal exchange in his selling staff: Lon Hoss has been transferred to the San Francisco exchange; Sam Feinstein has resigned and J. H. Hommell and E. L. Walton have been added.

Warner Men at Opening

All Warner theatre managers east of Denver have been instructed to attend the premiere of "Footlight Parade" at the Strand tonight. This is the first time this has been done, it is claimed.

Principal Distributing

Principal Distributing Corp. will distribute the series of 13 single-reelers produced by Newslaughs, Inc., with Irvin S. Cobb starred.

Expect Studio Officials

Columbia studio executives are expected in New York within the next week for home office round-robins.

Majority of Stocks Off

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23½	23	23½	+ ½	100
Consolidated Film Industries, pfd	8¾	8⅝	8⅝	— ¼	200
Eastman Kodak	77	75½	76	— ¼	600
Eastman Kodak, pfd	127¾	125⅞	125⅞	.....	3,000
Fox Film "A"	15⅜	15⅜	15⅜	— ⅜	100
Loew's, Inc.	30¼	29⅛	29⅝	— ⅜	700
Paramount Publix	1⅜	1¼	1⅜	+ ⅛	500
Pathe Exchange	1½	1¼	1¼	.....	800
Pathe Exchange "A"	8⅝	8⅛	8½	+ ½	1,300
RKO	2⅝	2⅝	2⅝	— ⅛	100
Warner Bros.	7	6¾	7	— ¼	5,600

Technicolor Rises Three Quarters

	High	Low	Close	Net Change	Sales
Technicolor	8¾	8¼	8¾	+ ¾	800
Trans Lux	1¾	1¾	1¾	— ⅛	100

Paramount Publix Rises 3/8

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5¾	5	5⅜	.....	16
Keith B. F. 6s '46	45⅜	45¼	45¾	— ¼	2
Loew's 6s '41, ww deh rights	83¼	83	83	.....	6
Paramount F. L. 6s '47	29½	29½	29½	.....	2
Paramount Publix 5½s '50	30	30	30	+ ⅜	7
Pathe 7s '37, ww	75	75	75	.....	1
Warner Bros. 6s '39, wd	44¼	44¼	44¼	.....	7

RKO May Split Its Printing Contracts

New one-year contracts for Radio Pictures' print work which will probably split this year's work between Consolidated Film and Pathe are under consideration and may be closed this week, it was stated yesterday. Pathe's participation is understood to be, in part, a consideration for RKO indebtedness on obligations outstanding since the RKO-Pathe acquisition.

Reports that the new contracts, splitting the print work, would necessitate the building of a west coast laboratory by RKO were scouted by RKO executives yesterday as without foundation.

Contest Winners Coming

Eight winners, four boys and four girls, in Paramount's search for talent will arrive in New York tomorrow aboard the *Manhattan*. They will leave for the coast Monday. The eight are Nita Harvey and Sidney Towlson, representing England; Loretta Walker and George H. Allport, Ireland; Gwenllian Gill and Robert Sinclair Scott, Scotland; Lucille de Toit and Donald Tidbury, British South Africa.

Open Two Weldon Offices

H. Wayne Pierson, general sales manager of Weldon Pictures Corp., has opened two more division offices, with Frank T. Gunn division manager of the Atlanta territory and F. G. Wallace at Dallas. Charles A. Meade is already in charge of the Chicago territory. Other key exchanges are being opened as rapidly as possible.

Book Winter Garden Acts

Acts already booked for the Winter Garden Sunday concerts which start Oct. 8 are: Fannie Brice, Howard Brothers, Ethel Merman, Fred Keating, Jack Pepper & Co., Serge Flash, Courtney & Patricola, King, King & King, and Hal LeRoy. Bookings have been handled by Edgar Allen of the Edward Davidow office.

It is men like
CAMERON MACPHERSON
and
JOSEF BERNE
who produced
"BLACK DAWN"
That merit reviews like these:

VARIETY—"A poignant, well made three reeler. Deserves high rating and should grace any bill."

HOLLYWOOD REPORTER—"Worthy of a good deal of attention, if not whole-hearted commendation."

NEW FILM TIMES—"One of the most distinctive film efforts turned out in many months. It is one of the most sincere and worthwhile pieces of cinema art produced in Hollywood in recent years."

"—also an excellent musical score by Cameron Macpherson."—*Tamar Lane.*

HOLLYWOOD SPECTATOR—"The best motion picture we have seen this year. It will thrill any audience."—*Welford Beaton.*

Private showings of "Black Dawn" can be arranged through
Joy and Polthimer Agency
HOLLYWOOD, CALIF.
HO 3911 6607 Sunset Blvd.

Supply Code Is Rejected By the NRA

(Continued from page 1)

ascertain the percentage of the industry represented by proponents were unsuccessful when witnesses questioned did not have data immediately available. Later return to the subject developed that the two signers of the proposed code represented only about 38 per cent of the industry.

All parties in the industry were ordered to meet with Dameron for preparation of another and more representative code, for which a public hearing will be announced in the near future.

Among those present were: Joe Hornstein, representing 11 officers of Continental Theatre Accessories, which Warners control; Walter E. Greene, representing 29 branches of the National Theatre Supply Co.; Joseph E. Robbins, president of the Independent Theatre Supply Dealers, representing 60 independents; L. A. Wilczek, Carbon Products Co.; D. A. Willaford, National Carbon; Stuart K. Brandon, representing important dealers, and Robert Robbins, Electronics Tube Co.

Government Silent On Anti-Trust Law

(Continued from page 1)

aimed at monopoly during the two-year life of the NRA. Consequently, while an official slant on the impending Warner-First National litigation is impossible to obtain, the inference is that it is not improbable the action may not be pursued, or, at least, that it will be left in status quo.

This, however, has no bearing on the anti-trust cases filed against specific companies by individuals or other corporations. Matters like the latter proceed under the normal operations of the Federal law.

The Warner-First National case has been pending in the U. S. District Court for the Southern District of New York for the past two years. It is due to be called this week, but it is expected a postponement will be granted until November.

Brandt Will Make Code Report, Quit

(Continued from page 1)

NRA as part of his new duties, and with its adoption will retire from the picture.

His post is likened to the coordination jobs of S. R. Kent and Charles L. O'Reilly, who resumed their normal posts in the industry once the tentative master codes had been submitted.

MPTOA to Meet in L. A.

WASHINGTON, Oct. 3.—The next annual convention of the M.P.T.O.A. will be held in Los Angeles during January, Ed Kuykendall stated today, and it probably will run for three or four days.

Code Should Prevent Any Dual Bars, Says Schechter

(Continued from page 1)

asserted Schechter today. "For the preservation of the right to do business it is essential that an express provision shall be inserted in the code to the effect that the policy of showing double features should be left to the decision of each individual exhibitor and that any interference with such a policy shall constitute an unfair trade practice.

"The statement of the major companies that they are willing to abide by such individual decision, but reserve the privilege of inserting provisions in their agreements whereby they may refuse to permit their pictures to be shown with features of other companies is a contradiction of terms and a play upon words as it is the very essence of interference.

"What we object to is that, by the insertion of such reservations in the agreements, the major companies thereby impose limitations upon the right of the exhibitor to determine his own policy and also limit the right of the exhibitor to do business with other companies.

"If the point contended for by the major companies were in effect, is it not conceivable that they may then impose additional reservations in the agreements such as the following: That only features of other 'approved' or 'favored' distributors may be shown; that only short subjects approved by the distributor may be shown; and similar restrictive covenants—all of which restrictive covenants are repugnant to sound business judgment as well as being repugnant and contrary to law.

"Beyond this it must be remembered that the major companies would nevertheless have the right to permit some favored exhibitors to show double features, yet refuse such rights to other—perhaps competing—exhibitors. Also they would, of course, reserve to themselves such rights, yet refuse the same to their customers. And finally it is not to be doubted that 'master agreements' made between the several major companies would contain no such restrictive covenants. Thus it is quite apparent that the major companies would reserve for themselves and their favored customers special rights and privileges which they would refuse to grant to independent exhibitors.

"No stronger club for complete submission and extermination of independent producers, distributors and exhibitors has ever been conceived by major companies who dominate the industry. That this is contrary to the principles and intent of the NRA goes without saying. Realizing this, independent producers and distributors have determined to resist such attempts to the maximum degree."

Schechter refused to explain specifically his last sentence.

Actors' Move Stirs Coast Speculation

(Continued from page 1)

guild they can still function as a branch of the Academy.

J. T. Reed, head of the Academy, issued a statement in which he said that the "optimism of Academy members at present instills greater confidence in the purposes of the Academy, and this spirit assures the continuance of the organization stronger than ever."

Actors' Equity would like to see a new actors' union formed so that it could be taken in under the Equity wing, its officers say.

A small group of actors met this afternoon to discuss the formation of a union. Again tonight they went into conference with the actors who walked out of the Academy Sunday night and with a group of directors to decide what form their new organization will take—a union or a guild with a new charter. What they aim to do is have a solid front in favor of some plan they can submit to the general body of actors.

HOLLYWOOD, Oct. 3.—John Howard Lawson, president of the Screen Writers' Guild, returning from Washington today, made a pointed attack on the Academy of M. P. Arts and Sciences. He asserted: "We feel that a most constructive step has been taken toward a new deal, not only for writers but for actors and directors as well, in preventing the Academy from controlling creative workers." Lawson left Louise Sillcox, William Hamilton Osborne and James Creelman in Washington to represent the guild until the code is finally drafted.

WASHINGTON, Oct. 3.—Lester Cowan, here as representative of the Academy of M. P. Arts and Sciences in the code negotiations, had nothing to say today regarding the walkout of a number of actors.

Hearing Delayed on Detroit Injunction

DETROIT, Oct. 3.—Argument on the temporary injunction obtained recently by Lew Kane of the Mayfair Theatre Co. and Al Rutenberg of the Bernhardt Theatre Co. against Mid-States Theatres, the big booking combine, was scheduled to come up today, but it was postponed until Oct. 10.

Cutting Down Of "Nuisance" Taxes Planned

(Continued from page 1)

immediate relief of the public from bothersome taxes, but also the creation of a permanent tax law which will not require amendment from year to year.

There is considerable doubt whether the elimination of nuisance taxes will extend to admissions, which have been found to be one of the easiest to collect. There is a possibility, however, of increases in exemptions, but it is not expected that the collections will be returned immediately to the $3,000,000 figure prevailing before the depression.

While Doughton voices the intention of easing the tax burden this winter, observers in Washington point out that much may occur to nullify his program. Relief expenditures of the Government are expected to increase materially with the advent of cold weather. Seasonal slackening of industrial activity may reduce tax receipts. The Federal financial burden is now very heavy and is becoming heavier, and considerable doubt exists whether the President will approve tax reductions until indications of better times are seen.

NRA Consolidating Its Work on Codes

(Continued from page 1)

action today. It provides for a consolidation of activity into fewer and more experienced hands and places code deliberations for all industries under four deputy administrators.

Arthur D. Whiteside, who sprang into the newspaper headlines through his handling of the retailers' code is one of four, and Sol A. Rosenblatt will be answerable to him under the rearrangement.

Whether or not this means the film code, when ready, will pass through additional hands before reaching General Hugh S. Johnson and the President after it has been approved by Rosenblatt is not clear, although a report is in circulation that this will be the case. Rosenblatt says, however, that this is not so.

MATTY KING *Presents*

KING, KING and KING

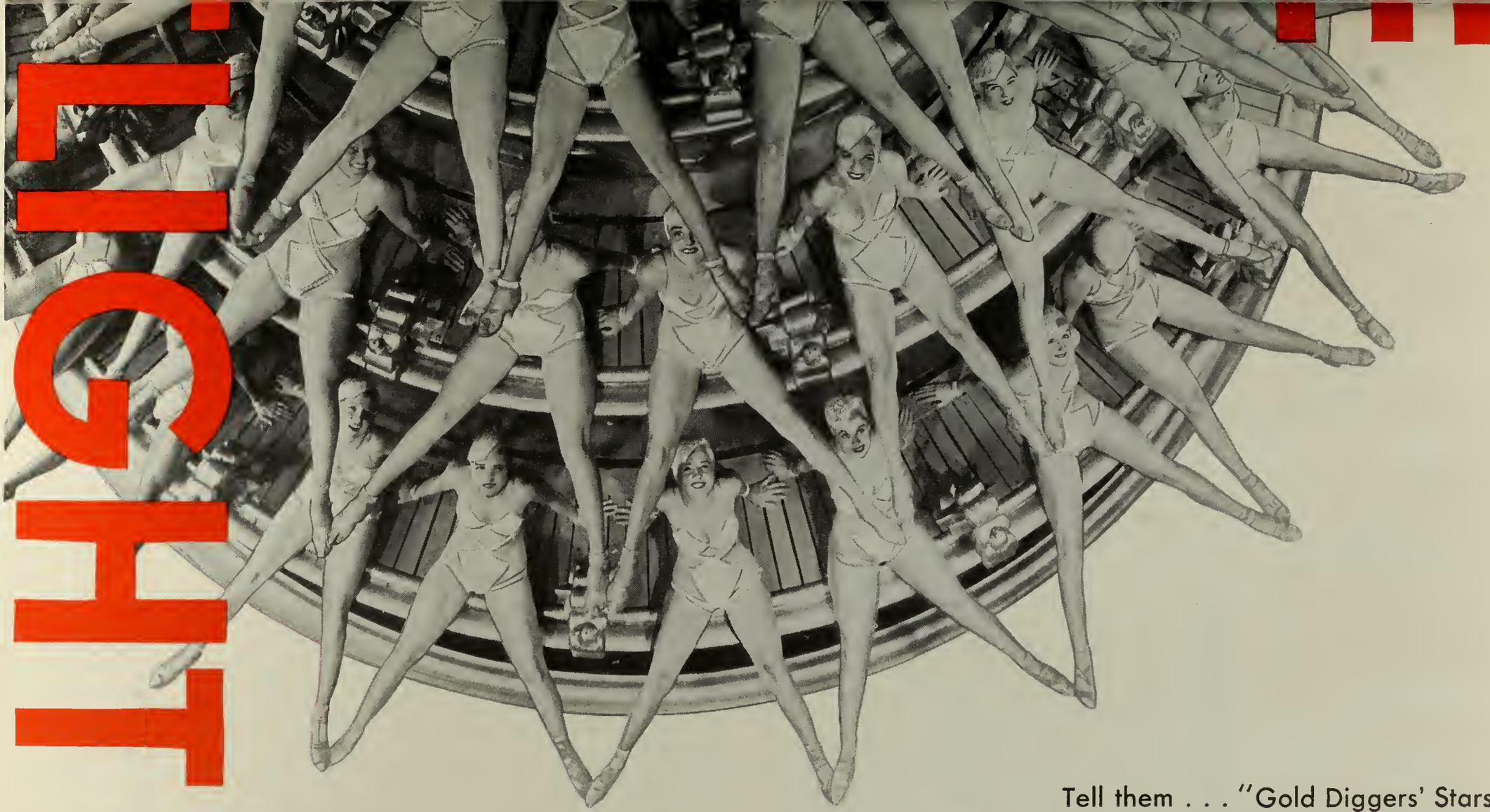
(The Original)

"TAPPING TO THE KING'S TASTE"

Just returned from Hollywood
Appearing in Pictures for
M G M and UNIVERSAL

Now-CAPITOL THEATRE, N. Y.-Now

Direction: WM. MORRIS AGENCY



HIGH!

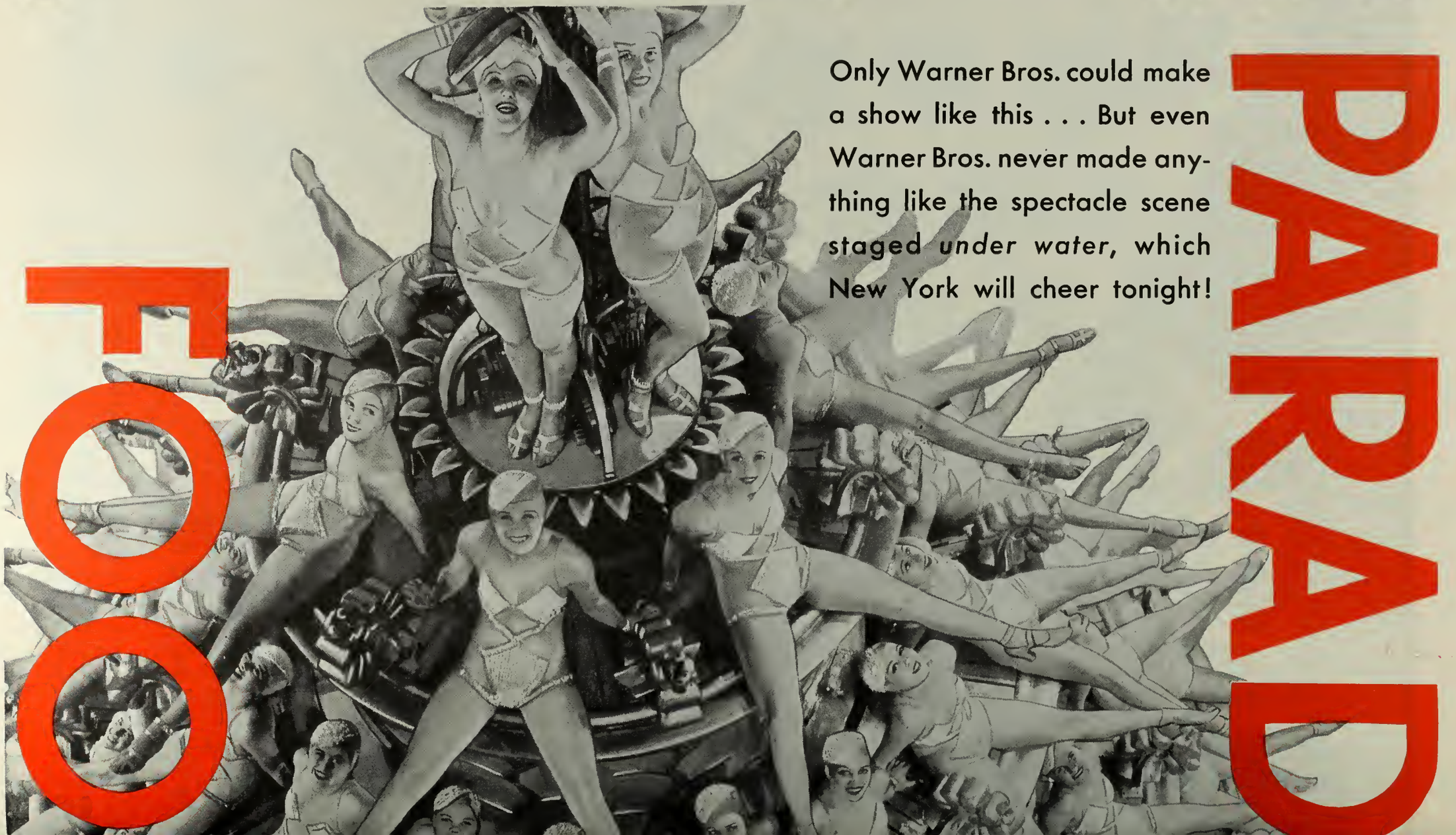
PARADE

Tell them . . . "Gold Diggers' Stars Are Back Again!"

RUBY KEELER
DICK POWELL
JOAN BLONDELL
PLUS
JAMES CAGNEY

Vitagraph, Inc., Distributors

FOOTLIGHT PARADE



Only Warner Bros. could make a show like this . . . But even Warner Bros. never made anything like the spectacle scene staged *under water*, which New York will cheer tonight!

Prepare For The Bigges

Margaret Sullavan
John Boles
Edna May Oliver
Billie Burke
Benita Hume
Reginald Denny
Onslow Stevens
Franklin Pangborn
Berton Churchill
Robert McWade
Hugh Enfield
Arthur Hoyt
Mabel Marden
Joyce Compton
Bramwell Fletcher
Dorothy Granger
Lucille Powers
Barry Norton
Ruth Clifford
Betty Blythe
Walter Catlett
Edgar Norton
Gay Seabrook
Noel Francis
Crauford Kent
Geneva Mitchell
Sidney Bracy
Caryl Lincoln
Jean Darling
Julia Carter
Frank Beal
Huntley Gordon
Lita Chevret
Lew White
Vivien Oakland
Bert Roach
Mary Doran
George Meeker
Dick Winslow
Matt McHugh
Sammy Cohen
Norma Drew
Jimmy Butler
James Donlan
Otto Hoffman
Harvy Clark
Edmund Breese

•

Dialogue by
William Hurlbut

RATED by everybody who knows anything about it as the greatest Universal Picture since "All Quiet on the Western Front!"

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ON
YESTE

A JOHN M. STAHL

Crowds Of The Season!

THE cavalcade of
American life as
seen through the soul
of a woman wronged
in a great love!

Ben Bard
Creighton Hale
Natalie Kingston
King Baggot
Wm. Davidson
Lloyd Whitlock
Virginia Howell
Jason Robards
Robert Bolder
Lynn Cowan
Maidel Turner
George Irving
Eddie Kane
Geo. Hackathorne
Eleanor Jackson
Mildred Washington
Warren Stokes
Marie Prevost
June Clyde
Jane Darwell
Oscar Apfel
Tom Conlon
Louise Beavers
Tom O'Brien
Herbert Corthell
James Flavin
Leon Waycoff
Cissy Fitzgerald
Ida Darling
Marion Byron
Sheila Manners
Jean Hart
Herta Lind
Robert Ellis
Julia Faye
Richard Tucker
Florence Lake
Jack Richardson
Astrid Allwyn
Natalie Moorhead
Dorothy Christy
Jean Sorel
Ferdinand Munier
Bruce Warren
Hans Furberg
Churchill Ross

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Suggested by the
book by
Frederick Lewis Allen

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ers
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Y
RDAY
PRODUCTION

Theatres Get Cut in Taxes In 4 Boroughs

Theatres in all boroughs except Richmond and two of the principal official buildings owned by film companies, Loew's and the Paramount, benefit by 1934 assessment cuts made public by James J. Sexton, president of the Department of Taxes and Assessments.

Loew's building is cut from $3,500,000 to $3,200,000. The Paramount building gets a drop from $14,400,000 to $13,000,000.

Manhattan theatres which receive cuts are: Loew's State, from $4,550,000 to $4,300,000; Palace, from $1,500,000 to $1,400,000; Mayfair, from $1,900,000 to $1,800,000; 7th Ave. Roxy, from $4,300,000 to $4,000,000; Rialto, from $3,050,000 to $2,950,000; Gaiety, from $2,450,000 to $2,250,000; Globe, from $1,250,000 to $1,150,000; Strand, from $3,600,000 to $3,350,000; Rivoli, from $1,780,000 to $1,625,000; Capitol, from $2,900,000 to $2,700,000; Hollywood, from $1,150,000 to $1,125,000; Lincoln Square, $1,400,000 to $1,350,000.

Due to the fact that both the RKO Music Hall and the RKO Roxy were under construction last year when the assessments were made valuations were increased sharply this year. The Music Hall was raised from $7,200,000 to $11,500,000 and the RKO Roxy was boosted from $3,500,000 to $4,600,00.

In the Bronx two theatres received cuts. They were: Keith's Fordham, from $690,000 to $650,000; Paradise, Concourse and 188th St., from $1,500,000 to $1,400,000.

Reductions in Brooklyn were granted in several spots. Theatres benefiting were: Paramount, from $5,300,000 to $4,800,000; Strand, from $700,000 to $670,000.

In Queens the cuts were: Famous Players Studio, Astoria, from $1,030,000 to $980,000; Shubert Theatre, Jamaica, from $440,000 to $400,000, and L. I. Amusement Corp., Richmond Hill, from $580,000 to $490,000.

Universal in Rush With Seven in Work

Hollywood, Oct. 3.—Universal claims a new production peak with seven features in work, five ready to start in a few days and four in the cutting room.

Those before the cameras are: "Counsellor at Law," "Young Hearts," "Dangerous to Women," "By Candlelight," "Horse Play," "Bombay Mail" and "Riders of Justice."

Ready to start are: "Show Boat," "Madame Spy," "I Like It That Way," "The Good Red Bricks" and "The Poor Rich."

In the cutting room are: "Only Yesterday," "The Invisible Man," "Special Investigator" and "Strawberry Roan."

Previn to Paramount

Charles Previn, founder and conductor of the St. Louis Municipal Opera, will direct the Paramount orchestra starting Friday. Menotti Salta will continue as chief arranger.

Delay on Code Is Likened to Oil Industry

(*Continued from page* 1)

attempts is being duplicated. There is, however, only one difference, and this difference centers around the fact that Deputy NRA Administrator Sol A. Rosenblatt proposes to submit an NRA draft when the exhibitors' committee meets at 4:30 Wednesday afternoon at the Mayflower.

Even this draft, after the eight days which have elapsed between the second session and the one about to commence, will not be a complete one.

Is Revising Clauses

Rosenblatt, relieved of the necessity of presiding at the theatre and motion picture equipment dealers' code hearing today, is busy revising clauses in the almost futile hope that a code form will be available when Wednesday's meeting starts. He will have some clauses, perhaps many, ready, but there will be no full agreement and the deputy administrator said so late this afternoon.

He did state that Article 9 in the producers' code, having to do with agents-artists-producers negotiations, had been re-drafted, but the widely attacked Article 10, which the producers say is designed to eliminate star "raids," is not ready and will not be at the start of the resumed sessions, despite the almost continuous meetings held by M. P. P. D. A. member companies in New York last week and another here today.

Rosenblatt declared tonight that the personnel of the code authority had not been determined and that he was discussing candidates for places on it with various groups in the industry. He said also that the number which will comprise the code authority had not been settled.

How Much Longer?

It appears inevitable that no matter what Rosenblatt proposes exceptions will be taken by one group, or another. How long the third descent on Washington will last is anybody's guess.

Asked if the film group here will have to stay until the final code is finished, Rosenblatt said, "I hope so." Yet, when the second session broke up last week, he was emphatic that all would remain this time until the job was entirely completed.

Two weeks are available to the deputy administrator before his next task commences, Oct. 17, at which time public hearings on the code for music publishers get under way.

Already in Washington are: E. A. Schiller, vice-president, Loew's Inc.; J. Robert Rubin, vice-president, M-G-M; Lester Cowan, executive secretary, Academy of M. P. Arts and Sciences; Louis Nizer, the New York Film Board of Trade; Jacob Schechter, counsel for the Federation of the M. P. Industry: Will Hays, head of the M. P. P. D. A.; Benjamin Berinstein, president, Independent Theatre Owners of Southern California; Ed Kuykendall, president M. P. T. O. A.; L. A. Solomon of Showmen's Pictures; Harold S. Bareford and Joe Hazen of the Warner legal department; Jack Cohn, vice-president, and William Jaffee, attorney for Columbia; R. H. Cochrane, vice-president of Universal; Nathan Burkan, counsel for a number of groups; Harry H. Thomas, president of First Division, and Al Friedlander; W. Ray Johnston, president of Monogram, and Edward Golden, sales manager; Mitchell Klupt, attorney for the Century Circuit and the Independent Theatre Owners' Code Committee; Arthur Schwartz, attorney; Sam Dembow, Jr., Publix; George Skouras; and Pat Casey, M. P. P. D. A. labor representative.

Code Reported Complete and Authority Set

(*Continued from page* 1)

Comerford circuit, and W. Ray Johnston, president of Monogram.

Two representatives of independents are also to be members of the authority, it is understood, but their names could not be learned.

What the deputy administrator's decisions are on controversial phases of the code could not be learned tonight.

Stewart to Come East

Hollywood, Oct. 3.—Donald Ogden Stewart leaves for New York Nov. 1 to arrange for the production of a new play and will return here around the first of the year to resume his contract with M-G-M.

Industry Aid Is Asked for NRA's Drive

Washington, Oct. 3.—Cooperation of the film industry, and particularly that of theatres, in the NRA's "Buy Now" drive is being sought and Will H. Hays and heads of leading companies have been asked to develop an organized plan for industry participation.

In a communication sent company executives by Frank R. Wilson of the NRA bureau of public relations, it is pointed out that theatres will benefit directly by the national mass movement to bring purchasers into the shopping and theatre districts in large numbers throughout the three months of the "Buy Now" drive.

"This great national movement to stimulate buying," Wilson's letter to industry executives states, "affords an opportunity for the theatres which they should embrace on the basis of self-interest alone. It affords them not only an opportunity to build business but an opportunity to increase their local prestige by participating with the merchants of their community in the execution of campaign plans."

John C. Flinn of Paramount, liaison officer between the film industry and the NRA, has been designated to discuss with Hays any organized plans which the industry may develop.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 80 NEW YORK, THURSDAY, OCTOBER 5, 1933 TEN CENTS

RIGHT TO BUY, SCORES, DUALS OUT OF NRA CODE

Inquiry into C.B.S.-Para. Deal Blocked

Further inquiry into the transactions by which Paramount Publix acquired and later disposed of a half interest in Columbia Broadcasting System was barred by Referee Henry K. Davis at a trustees' examination yesterday until a report on details of the deals, now in preparation by an independent accounting firm, has been submitted.

Referee Davis's ruling, subscribed to by attorneys for the trustees and counsel for all creditors' groups except Samuel Zirn, attorney for a group of bondholders, ended an ineffectual two-hour grilling of Ralph A. Kohn, former Paramount treasurer, by Zirn. The latter's line of questioning attempted, according to Zirn,

(*Continued on page* 12)

K. C. Independents Write to President

KANSAS CITY, Oct. 4.—Protesting I. A. T. S. E. demands that the industry code impose two men in a booth on small houses, the Independent Theatre Owners of Greater Kansas City early this week sent personal letters to President Roosevelt

(*Continued on page* 11)

No Monopolies

Washington, Oct. 4. — Viewed as referring back to the conversation understood to have been held between Deputy NRA Administrator Sol A. Rosenblatt and President Roosevelt, when the same observation was made, is Section 2 of the new NRA code.

It reads: "No provisions of this code shall be interpreted or applied in such a manner as to permit monopolies, permit or encourage unfair competition; or eliminate, oppress, or discriminate against small enterprises."

Star Salary Fixing Body Is Expected

WASHINGTON, Oct. 4.—Article 10 in the producers' code, which, in its re-drafted form, was yesterday submitted to Deputy NRA Administrator Sol A. Rosenblatt, is understood to provide for a salary-fixing commission to control star income. Inability of all Hays member companies to view the proposal in the same light is reputed to be the inside reason why the article originally designed to end star raids has not been completed.

The clause in its new form is said to follow the mandate laid down re-

(*Continued on page* 11)

Four More Players Leave the Academy

HOLLYWOOD, Oct. 4. — Four more actors resigned from the Academy today, boosting the total to 18. They are: James Dunn, Aubrey Smith, Claude King and Reginald Barlow.

Others, more conservatively inclined and showing a willingness to await further code developments at Washington before taking action, expressed confidence in the Academy's efforts in the actor's behalf.

Meantime, those who have resigned are holding another meeting here tonight to map a program and later will meet jointly with the Actors' Guild.

No Reference to Big Points, Including Block Booking, Stuns Exhibitors; Fireworks Impend at Conference as Result

By RED KANN

WASHINGTON, Oct. 4.—The right to buy, score charges, double features and block booking—four hotly contested points which were wrangled over in prior attempts to formulate an industry code —are passed up entirely in the proposed industry code, drawn by the NRA through Deputy Administrator Sol A. Rosenblatt and made public early this evening.

Members of the exhibitor code committee, grabbing mimeographed copies of the text—14,000 words of it—immediately went into a hurried meeting to learn what the NRA thinks about moot points battled over to and fro, on and off, here for weeks, and emerged stunned by what their eyes told them.

Tonight there were meetings on several floors of the Mayflower. The M. P. T. O. A. was conferring and endeavoring to organize a battle front. Charles L. O'Reilly, who fought vigorously for the right to buy in some form or other, was in the vanguard of a second session. Over at the Wardman Park Allied's cohorts were in a huddle, and, according to reports, were considering withdrawing from the code deliberations, so "burned up" were they reported to be.

Independent producers and distributors, dissatisfied by what some observers considered a victory for twin bills, in that the code did not even refer to them, gathered in Jacob Schechter's room to find out not what they proposed to do, but how to do it. They are fixed in their determination that no code can be a fair one so far as they are concerned unless it contains an expressed provision designating that the exhibitor is to re-

(*Continued on page* 8)

Separate Code Set For Minor Groups

WASHINGTON, Oct. 4. — Narrow gauge interests which argued they were not subject to regulation in the film industry code and so should have a code of their own are on their way to winning their point. In the NRA draft it is held sub-standard film interests are not to be included.

Golden Is Named as Film Code Advisor

WASHINGTON, Oct. 4.—Nathan D. Golden, chief of the Motion Picture Section of the Bureau of Foreign and Domestic Commerce, has been named industrial advisor on the film and theatre supply and equipment codes by Edward B. Stettinius, Jr., liaison officer between the Industrial Advisory Board and the National Recovery Administration.

Code Authority Vested With Unlimited Powers

WASHINGTON, Oct. 4. — The Code Authority, the impending "supreme court" for the industry, will have practically unlimited powers under the code draft drawn by Deputy NRA Administrator Sol A. Rosenblatt and made public late this afternoon.

While the duties of the Authority are outlined in full, its membership is left blank, Rosenblatt explaining that the final membership has not yet been determined. However, MOTION PICTURE DAILY's exclusive story of Wednesday morning listing all but two of those reported to be slated to conduct the operation of this highly significant body is understood here to be authentic, and its publication aroused the widest interest among the industry's codifiers here.

Those reported by MOTION PICTURE DAILY to be slated for membership on the code authority are: Sidney R. Kent, president of Fox; Nicholas M. Schenck, president of M-G-M; Harry

(*Continued on page* 11)

Significant?

Washington, Oct. 4.—"Did you get your copy of the code?" a top-line executive was asked tonight.

"Yes, and I'm going to give it plenty of study. As a matter of fact, after they all study it it's going to be a question of how many will sign it," he replied.

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Mae West Gets New Paramount Contract

HOLLYWOOD, Oct. 4.—Mae West signed a new contract with Paramount today which calls for two pictures a year from her for the next four years. The actress has the option of writing her own stories, selecting her own cast and working for a percentage of the grosses on the eight pictures, under the terms of her new deal.

Berkeley Signs 8 Girls

Busby Berkeley, Warner dance director, has signed eight girls in his search for talent to appear in the company's musicals. They are Grace Moore, Rickey Newell, Jane Vance, Blanche McDonald, Margie Murphy, Marie Marks, Diane Bourget and Clare Augerot. The eight will leave for the coast today or tomorrow. Berkeley returns to Hollywood by plane this afternoon.

Para. Claim Settled

A compromise settlement for $6,000 of an $11,000 lease claim against Paramount Publix for rent due on the Empire, 40th St. and Broadway, was approved yesterday by Referee Henry K. Davis, as indicated in MOTION PICTURE DAILY on Sept. 12.

Zukor on the Way East

HOLLYWOOD, Oct. 4.—Adolph Zukor left here tonight for New York, where he is scheduled to arrive Sunday.

Howard Dietz, M-G-M advertising and publicity director, and Adela Rogers St. Johns, writer, were other eastbound travelers.

Up for SMPE Discussion

Wide range recording and reproduction, theatre projection and illumination will be the chief subjects of discussion at the fall convention of the SMPE at the Edgewater Beach Hotel, Chicago, Oct. 16-18.

Looking 'Em Over

"I'm No Angel"

(*Paramount*)

HOLLYWOOD, Oct. 4.—"I'm No Angel" will be a box-office success. Patrons are eager to see it and showmen are avidly waiting for it.

Following her skyrocket rise in "She Done Him Wrong," Mae West gyrates through "I'm No Angel," a vivid, provocative personality. Her tremendous popularity which swept the country in the wake of the repeat runs on "She Done Him Wrong" evidences the girl's powerful pull with the cash customers.

"I'm No Angel" plants Mae as a torso tosser in a small time circus. All types of men are attracted to her. On each she leaves the imprint of her individuality. When she joins the big time circus, with its blare and spangles and high-hat audience, she becomes the head-liner as a lion tamer, with the thrill of putting her head in a lion's mouth for a kick-off finish for her act. A wealthy playboy is attracted to her and she becomes a saloon queen, basking in the sunshine of fashion and wealth. A lawyer, friend of her sweetie, comes to ask her to break off and becomes enmeshed himself. Later, when he finds a former flame in Mae's apartment, he tries to give Mae the air. Mae, having fallen hard, sues him for breach of promise, climaxing in a court room scene which is a honey for speed, laughter and that Mae West personality.

But the gal's romance isn't the show. Mae West is the whole thing, and that's what they want to see. The typical Mae West songs are there—tuneful, ladeled out in subdued piecemeal.

Mae West fans will surely get their money's worth from this picture. Mae wrote the story, screen play and dialogue.

Wesley Ruggles does a craftsman's job of direction. Cary Grant, as Mae's heavy pash, adds just the right note. Ralf Harolde, Bill Barton, Kent Taylor, Gregory Ratoff, Irving Pichel contribute fine performances. Nat Pendleton in a bit is swell.

Mae West sure spreads her wings in "I'm No Angel." Most of her wisecracks will be whispered over the three-point-two and the teacups. "I Found a New Way to Go to Town" will be hummed.

Mae West is a major attraction. Exhibitor showmen should cash in with first-class results.

VIC SHAPIRO.

"Doctor Bull"

(*Fox*)

WASHINGTON, Oct. 4.—Typical Will Rogers vehicle on a par with his average release. Which means pleasant and adequate entertainment.

Will steps into a new characterization as a country doctor, liked by some and as heartily disliked by others in the small community for his frankness and honest criticism. For 20 years he serves his constituency at the usual sacrifice of comfort and, as his reward, finds himself threatened with removal. About this time, typhoid breaks out and Rogers determines to stay on the job whether the town likes it or not. Later, through a serum of his own concoction he makes it possible for Marion Nixon's crippled sweetheart to walk again. This draws the fickle townsfolk rallying to his side again and paves the way for Rogers to complete his long-delayed romance.

"Doctor Bull" has Rogers and less than the usual quota of wisecracks. It is somewhat shy on story as well.

KANN

Now "Overland Bus"

HOLLYWOOD, Oct. 4.—"Overland Bus" has been selected as the final title of the M-G-M film formerly called "Transcontinental Bus."

AMPA to Fete James

Arthur James, motion picture editor of *The Billboard*, will be the guest of the AMPA at its weekly luncheon today at Sardi's.

All Stocks Show Rise

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24⅜	24	24⅜	+ ⅞	100
Consolidated Film Industries, pfd	8⅞	8⅞	8⅞	+ ¼	200
Eastman Kodak	79¾	77	79¾	+3¾	900
Eastman Kodak, pfd	127¾	127¾	127¾	+1⅞	1,000
Fox Film "A"	16¾	16	16¾	+1⅜	300
Loew's, Inc., pfd	33¼	31½	33	+3⅜	4,400
Paramount Publix	1⅜	1⅜	1⅜	.....	700
Pathe Exchange	1½	1⅜	1½	+ ¼	100
Pathe Exchange "A"	9	8¼	9	+ ½	1,000
RKO	3	2¾	2⅞	+ ¼	1,700
Warner Bros.	7¾	7	7¾	+ ¾	7,000
Warner Bros., pfd	21½	21	21½	+ ½	200

Curb Stocks Steady

	High	Low	Close	Net Change	Sales
Columbia Pictures	23	23	23	— ¼	200
General Theatre Equipment, pfd	⅜	⅜	⅜	.....	500
Sentry Safety Control	¼	¼	¼	.....	100
Technicolor	9¼	8¾	9	+ ¼	3,500

Paramount F. L. Jumps 3 Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5⅜	5	5¾	.....	6
General Theatre Equipment 6s '40, ctf	4	3½	4	+ ½	30
Keith B. F. 6s '46	44¾	44¾	44¾	— ½	3
Paramount Broadway 5½s '51	31½	31	31½	.....	3
Paramount F. L. 6s '47	34	32	34	+3	10
Paramount Publix 5½s '50	30⅛	30⅛	30⅛	+ ⅛	3
Warner Bros. 6s '39, wd	45⅜	44¾	45	+ ½	8

Purely Personal

ARNOLD ALBERT, who has been in the Warner home office publicity and advertising department for the past seven years, has taken a post as publicity and advertising head for seven J. Real Neth houses in Columbus.

A. W. SMITH, in charge of eastern and Canadian distribution for Warners, and S. CHARLES EINFELD, advertising and publicity director, are in Boston to discuss plans for "Footlight Parade" with Publix managers in New England.

HELEN HAYES will hand out the prizes to the winners of the transcontinental air derby staged in conjunction with the showing of "Night Flight" on the stage of the Capitol tomorrow night.

BILL DALTON, organist at the Grand, Columbus, O., comes to New York today to confer with Warners on a musical arrangement of the song numbers in "Footlight Parade."

CHESTER HALE and his dancers, together with BENNY DAVIS and JAMES HANLEY, songwriters, has been signed by Educational for its first musical short in the east.

ALICE RONSON, featured in "Her Unborn Child," which opens at the George M. Cohan, Oct. 8, will make personal appearances there during the run of the film.

THOMAS J. MARTIN, assistant comptroller of Warners, is the father of a boy, born to MRS. MARTIN at the Fitch Sanitarium in the Bronx.

FRED ASTAIRE sailed yesterday aboard the *Berengaria* for a stage engagement in London. His wife accompanied him.

NORMA TERRIS has been signed for the lead in the second three-reel short to be produced at the Vitaphone studios.

JOHN FOGARTY, radio tenor, will be guest artist on the Major Bowes broadcast Sunday morning.

PEGGY HEAVENS, west coast fan dancer, is flying here to begin a tour of RKO houses.

MRS. FRANK BORZAGE, wife of the director, has arrived at the Warwick from Hollywood.

CHICK YORK and ROSE KING headline at the Palace beginning tomorrow.

LILLIAN MILES opens at the Palace tomorrow.

Neilson's Son Passes

Anthony Rutgers Neilson, 3rd, only son of Rutgers Neilson, died yesterday morning at the Broad Street Hospital from a complication of peritonitis. The funeral will be held Friday morning at 10 o'clock from the parents' home, 125 West 12th St. Interment and services will be at St. Peters Church yard, Perth Amboy, at 2:30 o'clock.

In the old days

you scratched your message on a smoked glass slide and hoped your patrons would believe you

but nowadays

a nationwide organization of five hundred specialists are on the job day after day combining actual scenes from the pictures themselves with high-power selling talk to produce National scene trailers . . . trailers that actually sell your show to your patrons.

. . . an organization that checks, double checks, triple checks every booking, every playdate, every day to see that you get the best trailers in the field at the right time every time.

★ What a combination to drag them in . . . punch, realism, service.

Yes sir, it pays to get the best because the best always pays best.

NOVELTY is the essence of showmanship . . . novelty is the essence of National Special Trailers . . . announcement—policy—contest—all kinds—all types—from your own copy or ours . . . but novelty has no place in service . . . National gives you hurry-up service every time.

NATIONAL SCREEN SERVICE

trailers -- worth more because they sell more

"AT YOUR SERVICE!"

CAMPAIGN BOOK for M-G-M SHOWMEN

AN M-G-M CONTRACT IS THE GREATEST ASSET OF ANY THEATRE!

Therefore **TELL YOUR PUBLIC YOU'VE GOT M-G-M**

DON'T KEEP IT A SECRET! It's worth a lot of money to you to have your patrons know about your M-G-M tie-up! Many exhibitors have asked us to prepare special advertising to enable them to announce this fact in a big way. Hence we have prepared this complete campaign of ADVERTISING, EXPLOITATION and PUBLICITY which is now available to all M-G-M showmen. The advertisements and publicity cuts herein are offered to you in mat form without cost—a part of M-G-M service. In ordering mats please specify by number—order direct from your M-G-M Exchange.

(Note! All the mats in this campaign book are FREE!)

AT YOUR M-G-M EXCHANGE! Eight page press book showing how to tell the public that your theatre is the leading show shop in your town. The Major theatre is the one using the Major product. Tell the folks!

A few of the ads that tell your public the good news!

JOIN the CELEBRATION

of the greatest screen entertainment of years

Metro-Goldwyn-Mayer's 10th Anniversary

on the screen of the

STATE THEATRE

Norma Shearer

Clark Gable

Marion Davies

Greta Garbo

John Barrymore

Jean Harlow

What a celebration! We have just signed a contract which will bring to you all the great stars of Metro - Goldwyn - Mayer at this theotre during the coming seoson! M-G-M's Tenth Anniversory is a year of greoter, hoppier hits thon ever before. We are proud to hove been able to insure you the utmost in entertainment!

Wallace Beery

Marie Dressler

Robert Montgomery

Helen Hayes

Lionel Barrymore

Joan Crawford

Lee Tracy

Ed Wynn

Ramon Novarro

Jeannette MacDonald

Jack Pearl

Jimmy Durante

Laurel-Hardy

Watch for the announcement of these stars in forthcoming productions at the

STATE

The Theatre of The Stars!

AD NO. 5—160 lines x 2 columns.

CONTENTS OF M-G-M SERVICE PRESS SHEET!

8 pages with press stories, exploitation tie-ups and ads, 6 col., 4 col., 3 col., 2 col. and 1 col. Mats are at your branch! Get some today, FREE!

Leo LEADS the PARADE of STARS to the screen of the STATE THEATRE

THE WHOLE WORLD WILL APPLAUD THESE COMING SCREEN HITS!

Triumphant Return
GRETA GARBO—
JOHN GILBERT
in "Queen Christina."
JOAN CRAWFORD—
CLARK GABLE
in "Dancing Lady" with Franchot Tone
MARIE DRESSLER—
LIONEL BARRYMORE
in "Christopher Bean."
STAGE MOTHER
with Alice Brady, Franchot Tone, Maureen O'Sullivan, Phillips Holmes
SOLITAIRE MAN
with Herbert Marshall, Elisabeth Allan, Mary Boland, Lionel Atwill
JEAN HARLOW—LEE TRACY
in "Bombshell" with Frank Morgan, Una Merkel.
MEET THE BARON
with Jack Pearl, Ben Bard, Ted Healy, Zasu Pitts, Lyda Roberti, Jimmy Durante, Doc Rockwell
PRIZEFIGHTER AND THE LADY
with Max Baer, Myrna Loy, Walter Huston, Primo Carnera, Vince Barnett
NIGHT FLIGHT
with John Barrymore, Helen Hayes, Clark Gable, Lionel Barrymore, Robert Montgomery, Myrna Loy.
ED WYNN
in "The Chief"
RAMON NOVARRO—
JEANNETTE MACDONALD
in "The Cat and The Fiddle" with Vivienne Segal, Frank Morgan, Charles Butterworth.
MARION DAVIES
in a drama of Hollywood.
JOHN BARRYMORE—
LIONEL BARRYMORE
with Diana Wynyard in "The Patodice Case."
WALLACE BEERY
in "Viva Villa."
HELEN HAYES
in "Wicked Woman."
ROBERT MONTGOMERY
in "Transcontinental Bus."
NORMA SHEARER
in a spectacular production so be announced later.
CLARK GABLE—
ROBERT MONTGOMERY
in "Two Thieves."
WALLACE BEERY, JEAN HARLOW, CLARK GABLE
in "Sovies."
TARZAN AND HIS MATE
with Johnny Weismuller, Maureen O'Sullivan, Neil Hamilton, Rod La Roque.
HOLLYWOOD PARTY
with Marie Dressler, Joan Crawford, Jean Harlow, Lupe Velez, Jimmy Durante, Jack Pearl, Charles Butterworth, Jean Hersholt.

WE HAVE THE LION ON THE DOTTED LINE!

IT'S LEO, the roaring lion of M-G-M. We have signed him on the dotted line to present the world's finest motion pictures on the screen of our theatre during the coming season. Are we elated? And will you be happy as his great stars of filmdom are brought to you in their happiest hits!

The World's Greatest Stars Are M-G-M

NORMA SHEARER	LIONEL BARRYMORE
CLARK GABLE	JOAN CRAWFORD
GRETA GARBO	RAMON NOVARRO
WALLACE BEERY	JEAN HARLOW
MARIE DRESSLER	LEE TRACY
JOHN BARRYMORE	ED WYNN
MARION DAVIES	JACK PEARL
ROBERT MONTGOMERY	JIMMY DURANTE
HELEN HAYES	LAUREL & HARDY

Stars in Short Features, too!

HAL ROACH DE LUXE COMEDIES *Laurel-Hardy, Charley Chase, Thelma Todd-Patsy Kelly, Roach All Stars, Our Gang, Roach Musical Comedies.*

★ ★

M-G-M "CRIME DOESN'T PAY" SERIES

★ ★

M-G-M ODDITIES

FITZPATRICK TRAVELTALKS

★ ★

GOOFY MOVIES

★ ★

WILLIE WHOPPER CARTOON COMEDIES

★ ★

HEARST METRO-TONE NEWS

★ ★

M-G-M MUSICAL REVUES

See the World's Finest Entertainment First and Regularly at

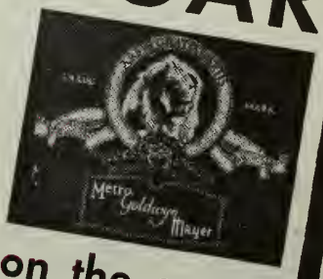
The Theatre of The Stars

STATE

AD NO. 8

135 lines—single column

LISTEN TO HIM ROAR



on the screen of the

STATE THEATRE

AND no wonder Leo roars! Norma Shearer, Greta Garbo and all the other great STARS of the Metro-Goldwyn-Mayer family are back again. Never such a group of stars at a single studio before! They are busily engaged in making the happiest hits of all entertainment history to celebrate the 10th Championship Year of this leading motion picture company. Watch for these STARS in the great successes that are on the way!

★NORMA SHEARER
★GRETA GARBO
★CLARK GABLE
★JEAN HARLOW
★JOHN BARRYMORE
★JOAN CRAWFORD
★WALLACE BEERY
★MARIE DRESSLER
★LIONEL BARRYMORE
★HELEN HAYES
★RAMON NOVARRO
★ROBT. MONTGOMERY
★MARION DAVIES
★ED WYNN
★LEE TRACY
★LAUREL-HARDY
★JACK PEARL
★JIMMY DURANTE

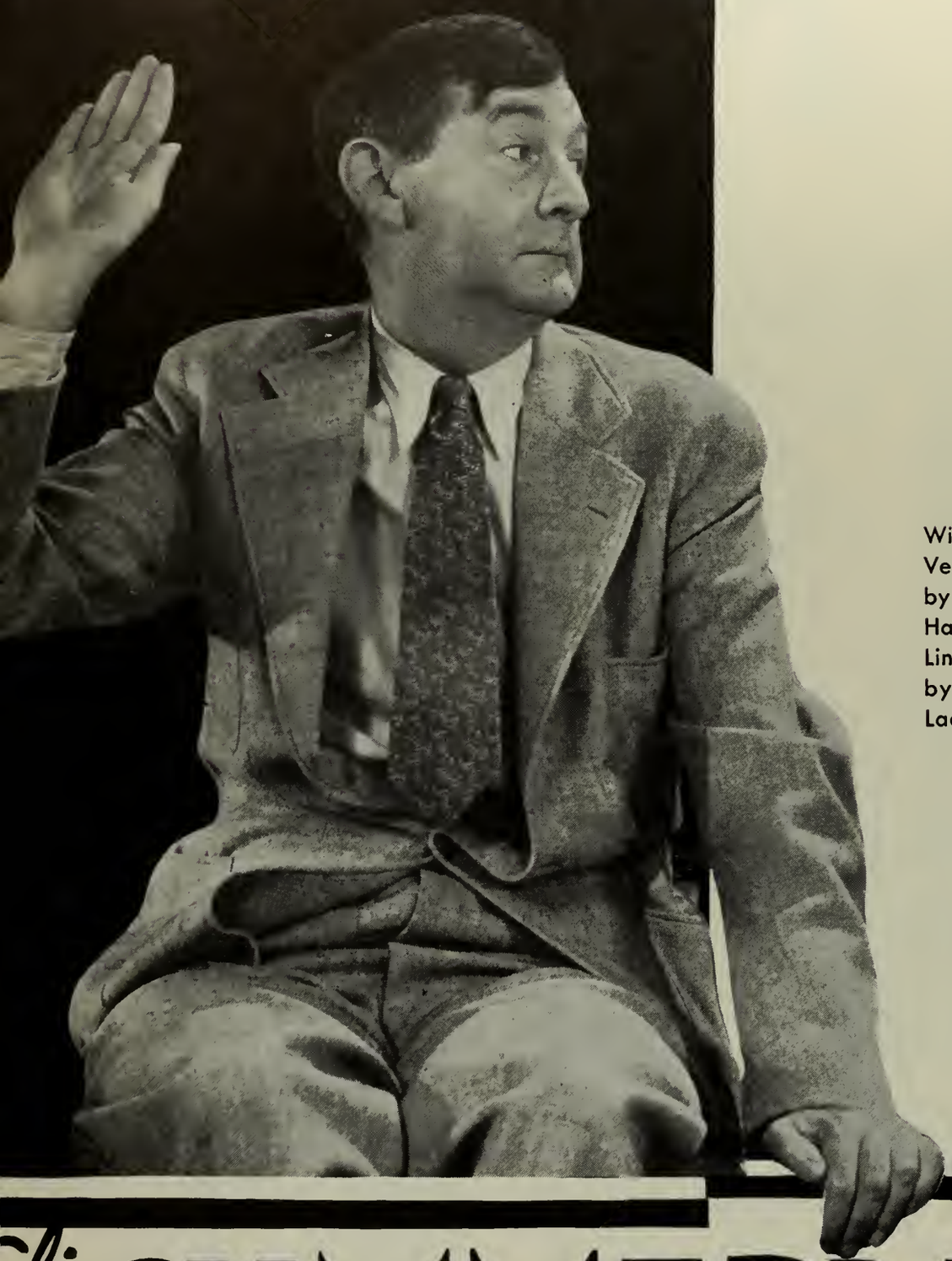
The home of the world's finest entertainment

STATE THEATRE

AD NO. 6

165 lines—single column

..GOOFY LOVE BIRDS



With GEORGE BARBIER, Lucille Gleason, Verree Teasdale, Donald Meek. Produced by Carl Laemmle, Jr., from the Sam H. Harris play, "Oh, Promise Me," by Howard Lindsay and Bertrand Robinson. Directed by Eddie Buzzell. Presented by Carl Laemmle.

STEP OUT WITH UNIVERSAL

Slim SUMMERVILLE "LOVE, HONOR

GOOFIER THAN EVER!

"SPINACH!"

What's "spinach" got to do with the film business or with the box-office? . . . PUH-LENTY, Mister, PUH-LENTY! . . . Because when this picture gets circulating, "SPINACH" is going to be the country's newest wise-cracking by-word...It's going to be just as famous as Eddie Cantor's "quack-quack" or Mae West's "Come Up and See Me Sometime!" . . . How? . . . Why? . . . What? . . . Where? . . . You'll find out all about it when Zasu Pitts tells it to the judge and jury in the funniest breach of promise case ever framed into court.

•

Special Note To Theatre Managers:

You can give your personal guarantee in your newspaper ads that this picture presents the funniest courtroom sequence ever filmed!

...nd ZASU PITTS in ...nd OH, BABY!"

Minimum Wage for Theatre Staffs

Right to Buy, Scores, Duals Not Included

(Continued from page 1)

tain the right to set up his own theatre policy.

As a matter of fact, the only group here that seemed content, or, perhaps, resigned, was the major company contingent which met Rosenblatt for a few minutes at 9 o'clock, and 45 minutes later left in a group for Loew's Palace to see a picture. Someone remarked he hoped it was good. Nicholas M. Schenck replied he was sure it was. It was "Stage Mother," which happens to be an M-G-M release.

Exhibitors were reluctant about being quoted, but once that was hurdled they had plenty to say and apparently did not care who heard it. They charged labor provisions as proposed are unfair and that many of their theatres faced closing if the suggestions drawn by Rosenblatt are finally adopted.

Ignored Issues Stir Advocates

Those, principally M. P. T. O. A. men, who favored elimination of duals by a 75 per cent exhibitor vote in each territory are disturbed because the code as presented had nothing to say about duals. Advocates of the right to buy feel they have been ignored entirely and declared the issue will not rest where it now does. However, two references in the code are believed to have a bearing on the right to buy issue. One is Clause 2 under the exhibitors' proposals which declares: "No exhibitor shall contract for a license to exhibit more motion pictures than such exhibitor reasonably shall require for exhibition in any theatre, or theatres with the intent and effect of depriving a competing exhibitor from contracting to exhibit such excess number of motion pictures. . ."

The Second Clause

The other appears under the four principal tasks delegated to proposed local grievance boards and reads "the commission of any other similar acts with the intent and/or effect of depriving without just cause the complaining exhibitor of a sufficient number of motion pictures to operate such exhibitor's theatre."

Rosenblatt is said to feel these two restrictions tied in with the wide powers designed for the grievance boards will automatically open the market and allow the right to buy to prevail. Many exhibitors declare this may or may not happen. They say they are not sure about that, but that they are sure they wanted some sort of a right to buy formula outlined in specific language.

Fireworks Due Thursday

The fireworks are scheduled to pop beginning at 10:30 Thursday morning when Rosenblatt meets the exhibitor committee. How much argument he will allow in view of the fact that the ground on all major points was thoroughly gone over at earlier code meetings remains to be seen. His code contains a number of proposals which appear in the originally submitted tentative code, but the language in practically all instances is his.

Highlights of the NRA draft follow:

40-Hour Week in Studios

Employes in production are not to work more than 40 hours per week, this pertaining to office help. Studio mechanics covering 58 classifications of workers are limited to 36 hours per week. These workers are unionized and represent classifications for which major studios have expressed a willingness to pay on the basis of a 40-hour week for 36 hours' work. However, maximum hours in these cases are not to apply to workers on emergency maintenance or repair work, nor to cases where restriction of hours would hinder or delay production.

Excluded from these maximums, as well, are employes in executive or managerial capacities such as actors, attorneys, department heads, supervisors and writers. Also excluded are workers directly engaged in production whose working time "must necessarily follow that of a production unit." In this group are workers such as art directors, assistant directors, cameramen and assistants, sound engineers, sound mixers, and wardrobe fitters. Another exempted class is newsreel workers, such as editors, cutters, camera and sound men, although the latter two won't be permitted to work more than 320 hours in any eight-week period.

The minimum wage for any class of production worker is to be 40 cents per hour, but clerical help is to get a 50-cent minimum, on the basis of a 40-hour week. Listing 36 types of workers used in studios such as sculptors, plasterers, set drapers and upholsterers, the code sets forth minimum per hour wages which in many cases are lower than producers voluntarily have offered to pay. The code also states newsreel camera or soundmen are to get one day off with pay for every four cumulative days of 24 hours each.

Extras' Pay Is Fixed

Conditions covering extras are to be governed by a standing committee which the code authority will name. Following reclassification of extras which the Academy of M. P. Arts and Sciences and producers jointly have agreed to do, extras are to get a $7.50 minimum per day, dress extras $15 per day, with $25 for any extra playing a bit part with essential story dialogue. Extras used for crowds, or in large groups, are down for $5. The code also rules out extras hired on a basis of nepotism or personal favoritism and sets the average day as eight hours.

Distribution employes, except outside salesmen, are not to work more than 40 hours per week, except those in managerial or executive capacities, and except those who get more than $35 per week. Minimum wages in this major industry division are to be not less than $14 per week in cities up to 250,000; not less than $14.50 per week in cities between 250,000 and 500,000, and not less than $15 per week in cities over 500,000.

40-Hour Theatre Work

In exhibition the maximum week is 40 hours, except managerial or executive workers whose salaries are over $35. Ticket sellers, doormen, ushers and office help are to get not less than a 20 per cent increase over the wages paid them on August 1 in cities with a population under 15,000. The same type of workers are to get not less than 30 cents per hour in towns ranging from 15,000 to 500,000, and not less than 35 cents in towns over 500,000. Ushers in towns over 15,000 are to get not less than 25 cents per hour.

In all cases, therefore, these employes dip under the President's low.

Exhibitor demands for operators' wages as of July 1, when many unions had accepted cuts, are thrown out in proposals covering this issue. The NRA code favors wages prevailing on August 23, when cuts had been restored, and minimum hours prevailing on that date.

Where disputes arise as to minimum wages and maximum hours, the code calls for settlement through a committee of two representing the I.A.T.S.E. and the disputant, and, if they cannot agree on a settlement, by a third impartial party. The same provision goes if the dispute hovers around a union not affiliated with the I.A.T.S.E., or in cities where operators belong to no union. Pending settlement, current wages and hours are to prevail and no strike may be called by operators, nor can a lockout be ordered by employers.

Exhibitors are barred from increasing the duties of operators in order to reduce their number, but, regarded as of the greatest importance, is the fact no mention is made of the I.A.T.S.E. demand for a man behind each machine, thereby indicating, on the basis of the first analysis of the code, that William Elliott's demand will not be recognized.

Highlights of the conditions governing performers in vaudeville and pres-

(Continued on page 10)

Highlights of NRA Code

Washington, Oct. 4.—Highlights of the revised industry code made public yesterday by Deputy NRA Administrator Sol A. Rosenblatt and the disposition it makes of some of the industry's important issues follow.

Block booking—15 per cent cancellation privilege granted exhibitors without payment for pictures cancelled.

Optional standard contract—Approved with the provision that its contents must not conflict with code content.

Voluntary arbitration—Approved. Arbitration boards provided for with membership of four; two representatives from each branch of industry involved.

Local grievance boards—To be established with membership of two distributor and two exhibitor representatives and a fifth "outsider"; the boards to be endowed with almost unlimited powers.

Overbuying—Outlawed wherever designed to curb competition.

Minimum admissions—Enforceable as specified in exhibition contracts with two-for-one admissions and other price reduction practices banned.

Clearance and Zoning—To be established 18 months in advance by local boards comprised of two distributor, two first run and two subsequent run representatives and one outsider.

Premiums—To be banned in any locality where 75 per cent of exhibitors vote to outlaw them.

Designated play dates—Banned as regards pictures bought on flat rental basis, but permitted under certain circumstances in percentage engagements.

"Specials"—Must be offered first to distributor's regular customers.

Talent "raiding"—Producers prohibited from "raiding" contract talent of legitimate stage producers and of film producers independently associated with competitors.

Rental of studio facilities—Producers are restrained from conspiring to prevent the rental of studio facilities.

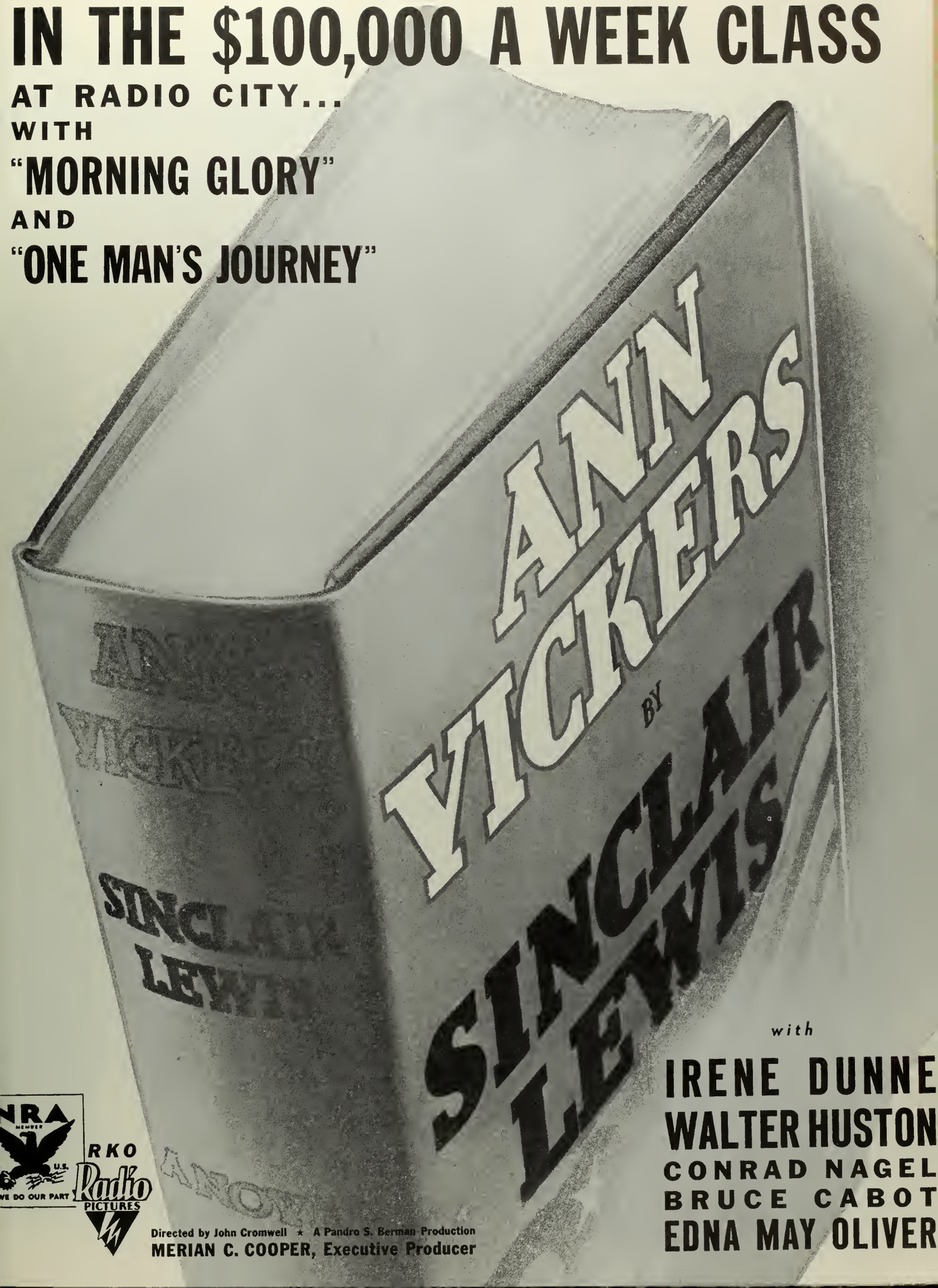
The right to buy, double features, score charges, foreign productions and the demand for an operator for every projection machine are among the major subjects, much discussed in earlier code parleys, which are not even mentioned in the NRA draft.

Labor proposals establish a 40-hour week for theatre employes, except those in executive capacities and making over $35 per week, and provide for minimum wages ranging from 25 cents to 35 cents per hour according to size of cities. Distribution employes, excepting outside salesmen, those in executive capacities and making more than $35 per week, receive minimum wages of $14 to $15 for 40-hour weeks. Studio office help have a 40-hour week, while studio mechanical help have a 36-hour week. Minimum wages for production employes range from 40 cents to 50 cents per hour. Operators' wages are to correspond to those prevailing on Aug. 23.

Committee to Take Care of Studio Extras

IN THE $100,000 A WEEK CLASS

AT RADIO CITY...
WITH
"MORNING GLORY"
AND
"ONE MAN'S JOURNEY"



with

IRENE DUNNE
WALTER HUSTON
CONRAD NAGEL
BRUCE CABOT
EDNA MAY OLIVER

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

Directed by John Cromwell ★ A Pandro S. Berman Production
MERIAN C. COOPER, Executive Producer

Local Arbitration Boards Set Up

Chorus Girls Win 40-Hour Week Ruling

(Continued from page 8)

entation houses follow: Chorus girls win a 40-hour week and one day off in seven, with full pay. They are not to be compelled to report before 9 o'clock in the morning. Minimum weekly wages in de luxe theatres are $30. For traveling companies the minimum is $35. For houses other than de luxe it is $25, although by whom, or how, de luxe theatres are to be defined is not mentioned. The practice of breaking in or trying out acts without pay is ruled out.

In this regard the code says the minimum salary must prevail, and this goes for principals and chorus alike.

Principals are to have rehearsals limited to four weeks, with a guarantee of two consecutive weeks' employment. When chorus girls are hired, they are to be guaranteed two weeks' work at not less than minimum salaries.

Acknowledging the difficulty of setting minimum for principals, the code says performers with more than two years' experience are to get a $40 minimum net and $25 where experience is under that period. The minimum per day wage is to be $7.50. Chorus transportation is to be paid in full. Exhibitors or stage producers are to supply all wardrobe, including hats, wigs and stockings to the chorus, and the same goes for principals who get under $50 per week.

Lists Unfair Practices

Listing three unfair trade practices aimed at producers, with the notation more are to come, the code calls it unfair for any producer to attempt to inveigle an author, dramatist or actor engaged in legitimate stage work or musical comedy from his obligation in order to sign up for pictures. It also dubs it unfair for producers in the habit of renting studio space to "conspire, agree or take joint action" in refusing any responsible producer such facilities. Nepotism in the employment of extras is the third.

Unfair trade practices applying jointly to producers and distributors include a ban on disturbing relations between producer or distributor and "outside or associated producer" under contract with the idea of breaching contracts. To end this, the code proposes that no offers be made an outside producer at any time prior to 60 days before the termination of the expiring contract or 60 days prior to the date on which an outside producer is committed to deliver his last contracted picture. Producers in this class are men like B. P. Schulberg and Charles Rogers. What is behind this provision was not clear late tonight, but it is the subject of some speculation.

Where the exhibitor buys film flat the distributor has no right to designate playdates, according to the code, unless it is so interpreted by Rosenblatt. The code, however, takes no cognizance of the exhibitors' protest over the distributors' insistence about playing percentage pictures on the big half of the week, but does say that where the exhibitor who has contracted to play percentage decides to shift because he regards a picture unsuitable, the matter is to be settled by a local grievance board. If the board decides for the exhibitor, then the distributor has the right to designate another picture for the same day or days on the same terms.

Specials Limited

Limiting distributors who have been known to release specials and sell them away from their regular customers, the code declares this practice must not prevail. Giving no details as to the terms under which exhibitors may select 85 per cent of a given product, the code goes very legal on the matter of cancellations. The proposal merely points out that the cancellation notice must go to the distributor within 21 days of the availability of the film, or else exhibitors must play it, but no mention is made of the 5-5-5 cancellation brackets as proposed in the distributors' code which called for partial payments on the final 10 per cent of the pictures so cancelled.

Clause 2 under exhibition proposals bans the exhibitor from buying more film than he requires solely to obstruct a competing exhibitor.

Definitely ruling on lotteries, scrip books, giveaways and two-for-one admissions, Rosenblatt proposes their complete ban and at the same time makes it compulsory for the exhibitor to maintain the minimum admission specified in his contract for film.

Premiums go back to the plan formerly devised for dealing with double featuring. A 75 per cent vote of active affiliated and independent theatres in any given zone is required to rule them out in the locality, but exhibitors tied up on contracts for merchandise will have 90 days of grace after the local voting in which to liquidate his commitments.

Local Boards Powerful

Confirming MOTION PICTURE DAILY's story of Sept. 25, the code draft proposes almost unlimited powers for local boards. Known as "local grievance boards," they are to be set up in each exchange center by the code authority. They will be composed of two representatives of major distributors, two exhibitors and a fifth member who will be an outside party not identified with pictures, but whose choice must be approved by the administrator. This fifth member will vote only in case of a deadlock. The selection of a chairman and the reaching of decisions will be by majority vote.

Specifically within the functions of board control will be four points. One is over-buying. Two is maintaining an eye on "unfairly competing operating policy," which is not explained further. Three is private deals between distributor and exhibitor to keep product away from another exhibitor. The fourth is refusal or disinclination to sell an exhibitor sufficient product to keep his theatre open.

Dissatisfaction with decisions of grievance boards will permit complaints to be carried to the code authority, if an appeal is filed in writing not more than five days after the local board's decision is made. Likewise, it is proposed to allow disputants to appear before the code authority in person to present additional evidence. The code authority is committed to hand out a decision not later than 15 days after hearings are held.

Another clause provides for the general use of the optional standard license agreement, except in cases where any conditions may run counter to the code. In that case the standard contract must conform to the code. If disputants agree to arbitrate their differences under the standard contract, the machinery to do so is that already outlined in the contract. This keeps arbitration optional in conformity with the Thacher decree. Also included is a restriction on the exhibitor and distributor against disclosing box-office receipts for publication. But seen as a possible whitewash is the concluding remark, which says: "No exhibitor or distributor shall be responsible for disclosures made by agents not authorized to do so."

Zoning Settled Locally

To handle clearance and zoning, the code proposes to create local zoning boards which will vary from local grievance boards in that the former will confine their activities to clearance only. The code authority will appoint personnel in each zone. Its makeup will be two distributors, two first run houses, two subsequent run houses and one impartial observer. In the distributor class one will be a man affiliated with a national circuit and one without theatre affiliations. Of first run representation one may be affiliated.

These boards, prior to Jan. 1, 1934, and prior to Nov. 15, each year thereafter, are to draw up clearance schedules to apply in their zones for the ensuing season. As this was interpreted hastily by codifiers late tonight, the impression is the plan provides that clearance is to be defined 18 months ahead. Appeals likewise may be taken to the code authority.

A remedial plan for industry ills takes the form of arbitration boards which presumably may be formed from time to time. Such boards will be subject to the code authority and are to have four members, all engaged in the film business.

For instance, a dispute between producer and agent would split the board of four into 50-50 representation, although board members are not to have an interest, direct or otherwise, in the issue involved. The impression tonight was that this is a compromise on the original demands made at public hearings by the Academy, agents and others for a place on the code authority.

In Washington Once More

WASHINGTON, Oct. 4.—When the Capital City lands a winning team in the World's Series, they say the population increases by 50,000 while the boys play it out on the diamond. That's happened and so, beginning Thursday, some of the codifiers may have to double up or find a hotel other than the Mayflower.

•

Fraternal note: Nick Schenck, Bob Rubin and Ed Schiller, arm and arming it into the hotel elevator.

•

Schiller has been here since Monday. Last night, Sam Dembow and George Skouras hit town. Tonight, the gag business starts all over again.

•

Because she may have thought he was never coming home, Mrs. Kuykendall journeyed up from Columbus, Miss., to visit her Ed.

•

Mitchell Klupt lost a precious possession between the time the Congressional pulled out of New York and landed here Tuesday evening.

•

The exhibitors went into their below-street-level huddle again this afternoon when the pow-wows with Deputy NRA Administrator Rosenblatt resumed.

•

Al Friedlander and Eddie Golden are back at their old stands in the lobby.

•

Jacob Schechter reached his office Monday at 9 A. M. and left it in time to catch the Boston-Washington flyer at Penn Station 17½ hours later.

•

Pat Casey is back—urbane and smiling. He says he has a "couple of little things to do," referring to sound technicians and cameramen.

•

NRA-ing elsewhere around the hotel at the same time: the set-up paper box industry, smoking pipe manufacturers, lumber code authority.

•

There are several who remember Washington when it was a lazy, calm town and wish it were that way again. The Blue Eagle has the city upside down.

•

Just to ruffle Jack Cohn the right way, Keith's is holding over "Lady for a Day" a second week.

Appeals from Local Boards Are Provided

Code Authority Supreme Arbiter

Powers Given To the Body Are Unlimited

(*Continued from page* 1)

M. Warner, president of Warners; R. H. Cochrane, vice-president of Universal; George J. Schaefer, general manager of Paramount Publix; Al Lichtman, vice-president of United Artists; Charles L. O'Reilly, president of the T. O. C. C., New York; Ed Kuykendall, president of M. P. T. O. A.; M. E. Comerford, president of the Comerford circuit: W. Ray Johnston, president of Monogram Pictures, and two additional and as yet unnamed representatives of independent interests.

NRA to Name Three

In addition, the NRA has the right to appoint three additional representatives without industry affiliation, but may keep the number lower if it so elects. These men will be without voting power, and because this is so it obviously follows that the suggestion in the exhibitors' original code that the government representatives have a vote has been thrown out.

Reaching beyond disputes which may arise between exhibitor and distributor, it is proposed to extend the functions and province of the code authority to any class of employes engaged in the industry when the need arises. One representative of each employe classification, selected by the administration from nominations made by that classification, would then sit with the code authority, and with the right to vote.

Whether or not this means labor disputes will come within the scope of the code authority was not clear tonight, although preliminary study of the NRA code indicated so in the minds of many codifiers. In cases of absence, resignation, death, ineligibility or incapacity of a member of the code authority, an alternate of the same division of the industry as the defunct member, and designated by such member himself, shall substitute, it is provided, although the code authority retains the right to reject any such alternate and to require the naming of another in his place.

To "Promote Harmony"

This is identified as a new provision of the code. New also is Clause 5 which gives the code authority the right "from time to time" to appoint committees not necessarily drawn from the authorized personnel of the code authority itself, for the purpose of "promoting joint and harmonious action upon matters of common interest," but what these interests may be is left to speculation.

The code authority will be empowered to collect from the industry any data or statistics required and to compile and disseminate summaries among industry members as code authority members may prescribe, but such data from any one member is not to be revealed to any other. It is held, however, that summaries are not to be considered as disclosures.

The code authority will have the right to make independent investigations of alleged violations and to that end may "call upon any persons, firms or corporations to furnish all original books, contracts, documents, records and any other data." Failure to comply constitutes a code violation.

Complaints from any source, it is indicated, will prove sufficient reason for instituting an investigation. Expenses of the code authority are to be budgeted and "fairly allocated" among the three major divisions of the industry and assessed against respective members in a manner to be determined by the code authority. No method is determined by the code itself and none has been suggested as yet.

Adherence to Code of Ethics Pledged Again in Article 6

Washington, Oct. 4.—Although making no specific mention of the Hays code of production ethics, an indication that the NRA is for its continuance is seen in the provisions of Article 6 of the code submitted today by Deputy NRA Administrator Sol A. Rosenblatt. The article reads:

"The industry pledges its combined strength to maintain right moral standards in the production of motion pictures as a form of entertainment. To that end the industry pledges itself to adhere to the regulations promulgated by and within the industry to assure the attainment of such purpose."

NRA Can Legislate a Code By Presidential Signature

WASHINGTON, Oct. 4.—It may be known and again it may not, but under the provisions of the NRA codes may be written and enacted for industry by Presidential signature regardless of whether or not industry itself approves.

Once a code is signed by President Roosevelt, it is a law and becomes compulsory upon the industry for which it has been designed. This vitiates the impression prevalent in the mind of B. B. Kahane, Radio president, who told a MOTION PICTURE DAILY reporter in Albuquerque Monday night that Administration intervention in the preparation and adoption of a code for the film industry must have the agreement of the industry itself.

There is nothing in the text of the National Industrial Recovery Act to compel this or any other industry to sign a code. The question of defying the Blue Eagle and public opinion is, however, something else again. Henry Ford's refusal to sign the motor code resulted in refusal of a number of state governments to use his machines on official business. In Mississippi, according to reports current here, over 300 orders for Fords have been cancelled to date.

The NRA has, too, a powerful weapon in its possession, about which little has been said and no use made so far. This is the licensing provision of the act which vests in the President not only the power of licensing business but also of revoking permits which automatically would put a company out of business. The Administration has been loath about using this power and probably would not except in the most extreme of circumstances.

Under the law, there is a penalty proviso for violations as well. It entails a $500 fine for the first offense and a like sum every day of offense thereafter.

RKO After Exteriors

WASHINGTON, Oct. 4.—RKO is sending a unit here to shoot scenes around Fort Myers for "Rodney." Included are Walter Huston and Francess Dee. George Archainbaud is directing.

K. C. Independents Write Roosevelt

(*Continued from page* 1)

and Gen. Hugh S. Johnson, NRA administrator, stating that small exhibitors could not stand the additional expense.

Local independents were urged to write to Washington by Jay Means, association president. It is understood exhibitors in other cities are doing the same, and that letters deal also with other code matters, in addition to labor demands. One subject mentioned is the right to buy.

Radio Switches Stars

HOLLYWOOD, Oct. 4.—The proposed Katharine Hepburn-John Barrymore co-starring film, "Break of Hearts," has been postponed and the stars will begin early next week in individual vehicles for Radio.

Miss Hepburn has been assigned to "Trigger" under the direction of John Cromwell, while Barrymore will star in "Long Lost Father."

Star Salary Fixing Body Is Expected

(*Continued from page* 1)

cently by Rosenblatt that limitations of excessive star salaries represented a point on which the Administration looked with favor. The deputy administrator has gone on record several times with denials that a salary control board was in contemplation, and last Thursday he heatedly declared any talk of trimming Hollywood salaries was "inspired propaganda."

Article 9, which will add teeth to the restrictions against agents, is reported well along, although no draft has been submitted to Rosenblatt. Aside from these two clauses and the fact that the personnel of the code authority has not been completed, the code which he made public early this evening is complete from the viewpoint of the NRA.

"Footlight Parade" Given Big Opening

"Footlight Parade" opened at the Strand last night amid a blare that required police reserves. The usual crowd gathered for the first show, which began shortly after 8 o'clock, and stayed for the second show. Before this started Broadway was jammed.

A battery of 16 arc lights, a bicycle parade, a group of girls in the lobby dressed as policemen, and a ton of confetti that sprayed down from the marquee were among the exploitation stunts. Busby Berkeley made a speech after the first show.

Radio to Put Five In Work on Monday

HOLLYWOOD, Oct. 4.—Radio will put five pictures into production next Monday.

They are "Hips Hips Hooray," "Little Wild Birds," "Rodney," "Triggers" and "Long Lost Father." With the new films, the first of the week will find seven in work. "Man of Two Worlds" and "Flying Down to Rio" are now filming.

Gaumont to Sell 'Waltzes'

Direct distribution of "Waltz Time" is to be undertaken by Gaumont-British Corp. of America, according to Arthur A. Lee, executive vice-president. Heretofore the company's product has been handled through American distributors.

Hooley Quits Warners

PITTSBURGH, Oct. 4.—Jack Hooley, for the last 17 years manager of the Sheridan Square in East Liberty, has resigned. Reports have it that Hooley will line up with the newly-organized Harris circuit.

His successor at the Sheridan Square has not yet been named.

Hollywood Personals

Hollywood, Oct. 4

CLAUDE RAINS, London and New York stage star, has completed work in Universal's "Invisible Man" and has gone to New York. He will return after a visit at his home in Lambertville, N. J., to do the lead in "The Man Who Reclaimed His Head."

EDMUND J. HOLDEN, who yodels Japanese dialect over the ether, has been signed by Paramount to write Japanese dialogue for an Oriental character in "The Yodeler." HOLDEN will also assist on direction (Paramount).

KEN MAYNARD combines business with pleasure by trekking to the mountains for a deer hunt and remaining there where his company will join him in a week.

SALLY EILER's next assignment for Fox is opposite GEORGE O'BRIEN in "Heir to the Horrah," if the actress can get together with the studio.

THEODOR LODI, ALICE ARDELL, JACK BARTY and CHARLIE ROGERS join the Wakefield-Nelson all-star cast of "The Busted Betrothal" (Roach).

BARBARA KENT, DONALD DILLAWAY and PHYLLIS BARRY have leading roles in "Marriage on Approval" (Monarch).

J. M. KERRIGAN and JOE BARTON are additions to the cast of "Pardners," the WILL JAMES story. (Paramount.)

The IRENE DUNNE-CLIVE BROOK vehicle, "Behold We Live" has been changed to "If I Were Free." (Radio.)

JOHN BLYSTONE, who just returned from Europe, gets the megaphone job on "Coming-Out Party." (Lasky-Fox.)

CHIEF STANDING BEAR has a part in "Massacre," besides acting as technical adviser on the film (Warner).

CHARLES GRAPEWIN has been spotted in "Little Wild Birds," featuring DOROTHY JORDAN. (Radio.)

STEFFI DUNA, European stage actress, has been signed by Radio to play in "Man of Two Worlds."

JANE MURFIN is collaborating with LULU VOLLMER on the screen play of "Trigger." (Radio.)

IRENE DUNNE grabs the featured role in "Her Excellency, the Governor" (Radio).

ALAN DINEHART added to the cast of "Cross Country Cruise" (Universal).

JUDITH ALLEN signed to a new long-term contract by Paramount.

MARK SANDRICH has been signed to a new contract by Radio.

JOSEPH SCHILDKRAUT goes into "Viva Villa" (M-G-M).

EARLE FOX joins the cast of "Bedside." (Radio.)

Sand for the Girls

Kansas City, Oct. 4.—The fair ones in Kansas City are saying John McManus, manager of Loew's Midland, had a lot of "sand" to put over the newest recipe for facial beauty. Prior to the opening of "Beauty for Sale," McManus had girls on the street handing out 10,000 sachets containing common sand.

Imprinted were these instructions: "This envelope contains 'Beauty Sand'—open this only in the sanctity of your boudoir. Place a few grains of 'Beauty Sand' in your left hand, look in the mirror over your right shoulder each night for three consecutive nights prior to seeing 'Beauty for Sale,' at Loew's Midland. The results will amaze you."

"Glory," Portland Holdover, $4,000

PORTLAND, Oct. 4.—In its second week at Hamrick's Music Box, "Morning Glory" again went $1,000 over average with an intake of $4,000 and was transferred to Hamrick's Oriental for a third week. "Penthouse," at the Broadway, went slightly over average. Disney's "Three Little Pigs" scored and for first time a short offering was held a second week.

Total first run business was $20,500. Average is $17,800.

Estimated takings for the week ending Sept. 30:

"MORNING GLORY" (Radio)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days, 2nd week. **Gross:** $4,000. (Average, $3,000.)

"HEAD LINE SHOOTER" (Radio)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,000.)

"PENTHOUSE" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $6,000.)

"I LOVED A WOMAN" (F. N.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)

"TARZAN, THE FEARLESS" (Prin.)
LIBERTY—(1,800), 25c-35c-40c, 7 days. Vaudeville. **Gross:** $2,500. (Average, $1,800.)

Ten Sign for RCA Sound

Ten new installations of RCA Victor High Fidelity reproducers have been signed for in the last few days. Three are B. & K. houses, the Luna at Kankakee, the Rialto in Kewanee, and the LaSalle in LaSalle, Michigan; one is in the Met, Philadelphia; and the others are: Gotham, 138th St. and Broadway, New York; Orpheum, Memphis; Metro, Durant, and Queen, Big Springs, Oklahoma; Ardmore, a Roberts house, Chicago, and Hunt's Century, Audubon, N. J.

Erpi Closes Reade Deal

C. W. Bunn, general sales manager for Erpi, has just closed deals for 18 installations of Wide Range sound in Walter Reade houses. They are: Mayfair, Paramount, Rialto, St. James and Lyric in Asbury Park; Strand, Freehold, N. J.; Strand and Paramount, Long Branch, N. J.; Crescent, Majestic and Strand, Perth Amboy, N. J.; Oxford, Strand and Paramount, Plainfield, N. J.; Carlton, Red Bank, N. J.; Savoy, New York, and the Broadway and Kingston, Kingston, N. Y.

"Moment" Is Detroit Hit With $13,400

DETROIT, Oct. 4.—"Brief Moment" piled up the most satisfactory gross in town last week, $13,400, above par at the Downtown by $3,400. "Strike Me Pink" on the stage helped.

"Shanghai Madness," aided by a stage show at the Fox, was also a prize-winner with a take of $17,300, above normal by $2,300.

Elsewhere business was just fair. Total first run business for the week was $67,700. Average is $77,000.

Estimated takings for the week ending Sept. 28:

"BRIEF MOMENT" (Col.)
DOWNTOWN—(2,750), 25c-50c, 7 days. Stage: "Strike Me Pink." **Gross:** $13,400. (Average, $10,000.)

"PENTHOUSE" (M-G-M)
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $6,200. (Average, $10,000.)

"SHANGHAI MADNESS" (Fox)
FOX—(5,100), 15-50c, 7 days. Stage: Marcus Show. **Gross:** $17,300. (Average, $15,000.)

"LADIES MUST LOVE" (Univ.)
MICHIGAN—(4,100), 25c-75c, 7 days. Stage: Ted Lewis, Doris Dean, Dixie Four, Carroll & Shalita. **Gross:** $19,100. (Average, $20,000.)

"I LOVED A WOMAN" (Warners)
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $7,300. (Average, $10,000.)

"TO THE LAST MAN" (Para.)
STATE—(3,000), 25c-50c, 7 days. **Gross:** $4,400. (Average, $10,000.)

Baltimore Negroes Protest on "Jones"

BALTIMORE, Oct. 4.—"Emperor Jones" came in for large editorial publicity on the front page of the Afro-American, colored newspaper published here, the other day when the headlines proclaimed the dialogue insulting to the colored race.

Bill Zelko, who manages the Harlem, big colored house in the west end for J. Louis Rome, was mentioned in black type at the head of the story as saying he would be glad to delete any dialogue considered objectionable to the colored race if the producing company would permit him to do so.

The picture, meantime, was showing at Keith's first run downtown house, and Zelko arranged a midnight preview for the heads of colored public schools, churches, lodges, etc., and cooperation was promised him in exploiting the production provided he would eliminate those parts of the dialogue considered offensive to the colored race.

Inquiry into C.B.S.-Para. Deal Blocked

(*Continued from page 1*)

to establish what disposition Paramount had made of some $4,000,000 received for Columbia Broadcasting stock sold to William F. Paley, president of C. B. S., when Paramount relinquished its interest in the broadcasting company.

Kohn testified last spring that Paramount acquired its half interest in Columbia by purchasing 63,250 shares of its stock for $5,200,000. It was later disposed of by selling to Paley all but 14,156 shares for $4,036,140. Zirn's questioning yesterday, punctuated by frequent bickering with other attorneys, the witness and the referee, resulted in developing little evidence of a new nature. The attorney was frequently reprimanded and instructed by Referee Davis.

Attempts Questioning Kohn

Zirn attempted to question Kohn on bonuses paid to Paramount executives during 1927 and 1928; the bonuses paid Adolph Zukor, Jesse L. Lasky, Sidney R. Kent, Sam Katz and Kohn during 1929, '30 and '31 having been revealed at earlier examinations. Kohn told the attorney he did not have the figures at hand but would be "glad to furnish them."

Zirn did not request the figures for a later meeting, but asked Kohn if he could "guess within $50,000" what his own bonus in those years had been. The question was ruled out by the referee.

The examination was adjourned to Oct. 11.

Phila. Met Open Oct. 13

PHILADELPHIA, Oct. 4.—The Met Theatre—formerly the Metropolitan Opera House—will be reopened Oct. 13 by the Met Amusement Co., a partnership of the Philadelphia Shrine, owners of the house, and Harry Schwable, veteran exhibitor. The policy will be second run Fox films and vaudeville. Edgar Wolfe will be house manager.

Lasky After Holman

HOLLYWOOD, Oct. 4.—Jesse L. Lasky is negotiating with Libby Holman to sing a torch song in "I Am Suzanne."

Fox studio song writers have penned a ditty titled "Oh, How I've Sinned," in case the deal is closed.

Attention to Picture Producers!

EDDIE GARR

Available for Pictures

NOW—Loew's State, N. Y. C.—NOW

MANAGEMENT
Harry Young—Bond Bldg., N. Y. C.
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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 82 NEW YORK, FRIDAY, OCTOBER 6, 1933 TEN CENTS

Split in Code Parley; Ind'p'ts Battle Majors

Revamping of Publix Units Gets Approval

Blank, Hoblitzelle and Perry to Head Each

Reorganization of three important Publix Enterprises, Inc., units neared completion yesterday when Referee Henry K. Davis approved a petition of the trustee to form new corporations for the theatres operated by A. H. Blank in Iowa and Nebraska, Karl Hoblitzelle in Texas and Hunter Perry in Virginia and Tennessee.

In the reorganization of the Nebraska-Iowa situation, the trustee will receive a large sum in cash, and will retain one-half of the newly issued common stock. Blank is to contribute $25,000 toward forming the corporation, and will receive a portion of the common stock. In addition, Blank is to manage the theatres

(*Continued on page* 16)

New Deal for Roxy Is Seen by Spring

Reorganization of Roxy Theatre Corp. and lifting of the house out of receivership is expected before next spring. When this happens, Harry Arthur, in all probability, will take over the house as one of the links in his eastern circuit.

Ever since Co-Art Theatre Corp., represented by Arthur and Irving Lesser, entered into an operating deal

(*Continued on page* 16)

New Lineup of FWC By Jan. 1 Planned

Reorganization of Fox West Coast circuit by Jan. 1, 1934, and the retention of the Skouras Brothers as operators, is understood the purpose of Charles Skouras' trip to New York. He is believed to be conferring with his brother, Spyros, and Chase National Bank representatives on the new setup for the west coast string.

"Diggers" Argument Ended on 35% Deal

With the settlement of differences between Warners and the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware and the I.T.O.A on percentage terms for

(*Continued on page* 16)

Labor Terms Start Heated Discussions

WASHINGTON, Oct. 5.—The exhibition committee, shorn of many of its members by the withdrawal of Allied, the Independent Theatre Owners' Ass'n and the Theatre Owners' Chamber of Commerce from the deliberations, late tonight was arguing back and forth with Abner Rubien, attorney for the I.A.T.S.E., on changes in labor provisions of the NRA draft submitted by Deputy NRA Administrator Sol. A. Rosenblatt, Wednesday.

Final adoption of the labor clause, as presented by the NRA, is now regarded as remote. Exhibitors resent and propose battling to a finish the proposal setting up the I.A.T.S.E

(*Continued on page* 6)

Lesser Will Set Up European Branches

HOLLYWOOD, Oct. 5.—With the appointment of Louis Hyman as sales manager for Principal Distributing Corp. in the U. S. and Canada, Sol Lesser, president, leaves for the east tomorrow and sails for Europe on the *Ile de France* on Oct. 14. He expects to be away two months to set up international distribution deals on

(*Continued on page* 11)

Go for M. P. Daily

Washington, Oct. 5.—Distribution of *Motion Picture Daily* at a meeting of independent producers, distributors and exhibitors who withdrew from the code parleys late today almost halted proceedings. When copies were deposited at the entrance to the Chinese room of the Mayflower a football formation made a rush for them.

Legal Phase Of Star Pay Cuts a Worry

WASHINGTON, Oct. 5.—Would any effort to fix salaries as it is understood to be advanced in the troublesome Article 10 of the producers' code, hold up legally?

This is the question on which executives of M.P.P.D.A. member companies are reported to be in disagreement and which is believed to explain why the draft has not yet been completed. Harry M. Warner, president of Warners, is in the vanguard of those who favor a salary fixing commission, according to inside reports.

(*Continued on page* 11)

No Grievance Board Help for Non-Signers, Says Rosenblatt

Washington, Oct. 5.—Exhibitor organizations which fail to sign the code will be bereft of the advantages of local grievance boards and code authority, Deputy NRA Administrator Sol A. Rosenblatt stated today in commenting upon the withdrawal of the Allied Independent Theatre Owners' Ass'n and the T.O.C.C. from the parleys.

Taking cognizance of their statements that nothing in the NRA can compel signatures to this or any other code, Rosenblatt further inferred that despite their failure to affix their signatures objecting exhibitors will retain their Blue Eagles if they live up to the terms of whatever code is finally adopted.

The explanation for the independents' defection is that they failed to show up at the exhibitor conference this morning because they wanted to submit their objections to the NRA code draft in writing.

Dissatisfied with NRA Draft and Withdraw; Now Organizing

By RED KANN

WASHINGTON, Oct. 5.—The code parleys split wide open today.

A battle which tonight appeared more intensive and more bitter than any which has thus far marked the tumultuous sessions since the codifiers gathered from all over the nation marched on the Capital for the public hearing on Sept. 12 began to break when independent producers and distributors represented by the Federation of the M. P. Industry and the Independent M. P. Producers' and Distributors' Ass'n, and independent exhibitors represented chiefly by Allied Independent Theatre Owners' Ass'n, and the Theatre Owners' Chamber of Commerce of New York informed Deputy NRA Administrator Sol A. Rosenblatt of their withdrawal from the code deliberations.

Thus it was that the fireworks forecast in MOTION PICTURE DAILY this

(*Continued on page* 3)

O'Reilly Move May Realign Authority

WASHINGTON, Oct. 5.—What will be the effect on the code authority set-up of Charles L. O'Reilly's walkout on the NRA and the code and his joining forces with Allied, I. T. O. A. and scattered independents is causing considerable speculation here tonight. O'Reilly, who was exhibitor

(*Continued on page* 6)

New Code Disturbs Cameramen's Union

HOLLYWOOD, Oct. 5.—The Cameramen's Union is in a state of excitement over what its members charge is a cleverly worded evasion of the principles at issue in the code submitted by Deputy NRA Administrator Sol A. Rosenblatt. An attempt is to be made tonight to devise a way of protesting.

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WE DO OUR PART

To Dine Marie Dressler

Marie Dressler will be honored at a dinner to be given by the Actors' Dinner Club at the Hotel Roosevelt next Tuesday. The affair is being sponsored by a committee headed by Mrs. Oliver Harriman. Others on the committee are Samuel L. Rothafel, A. C. Blumenthal, Nicholas M. Schenck, Irvin S. Cobb, Bernarr Macfadden, Gen. John F. O'Ryan, George Gordon Battle and Frank L. Polk, former Secretary of State.

WASHINGTON, Oct. 5. — Marie Dressler will be the guest of President and Mrs. Roosevelt tomorrow.

Gaiety Lease Extended

Fox has extended its lease on the Gaiety as a result of the business done by "Berkeley Square." The plan had been to turn the house back some time next week after the run of the three specials, "Pilgrimage," "The Power and the Glory" and "Berkeley Square," but, satisfied with the results, Fox has decided to hold the house indefinitely.

Meyers New Comedy Head

HOLLYWOOD, Oct. 5.—Zion Meyers has been placed in complete charge of all comedy production at Columbia Studios.

Rollie Asher will act as general assistant on story and production.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Hollywood Personals

Hollywood, Oct. 5

EDWARD SUTHERLAND'S next Paramount directorial assignment will be "Funny Page."

CHARLES R. ROGERS has handed DOROTHY WILSON, formerly a stenographer on the Radio lot, a seven-year contract. Her first will be in "Eight Girls in a Boat." (Para.)

JEAN CONNORS, winner of the recent RKO theatres beauty contest in New York, has been given a contract by Radio and may go into "Blonde Poison."

GEORGE O'BRIEN and his wife (MARGARET CHURCHILL) are planning a trip to Italy following completion of "Frontier Marshall" (Fox).

EARL CARROLL'S "Vanities" has been bought by Paramount. The legitimate producer will come west and assist in the production.

HARRIET LAKE, musical comedy actress, is now under contract to Columbia. Her first will be "Let's Fall in Love."

FRANK DOLAN'S "To the Victor" has been bought by M-G-M. DOLAN will work on the script.

HERBERT MUNDIN and SALLY EILERS will get the leads in "Heir to the Hoorah" (Fox).

LEE TRACY get his sixth journalistic role in "Advice to the Lovelorn" (20th Century).

MARION GERING is back on the Paramount lot after a European vacation.

TAYLOR HOLMES has been signed by Educational for "What a Wife!"

JUDITH ALLEN is emoting in "The Thundering Herd" for Paramount.

MONTE BLUE has been cast in "The Thundering Herd." (Para.)

JOHN CROMWELL has been given a new Columbia contract.

Chevalier on 10%

Washington, Oct. 5.—Maurice Chevalier's one-picture deal with M-G-M calls for a flat 10 per cent of the world's gross on the "Merry Widow," which, the company anticipates, may hit $4,000,000. The picture is planned in English and French.

This is believed here to be a record deal. If the anticipated take materializes, Chevalier's end will be $400,000.

Einfeld Names Kennedy

A. J. Kennedy, working out of the Warner Seattle branch under N. H. Brower, has been added to S. Charles Einfeld's national exploitation staff. His job will be to cooperate with exhibitors in key situations on the west coast. Sam Clark has a similar post in the midwest operating out of Chicago and Carl Leserman and Allen Glenn handle the southwest out of Dallas.

Moray in N E. Deals

Norman H. Moray, Vitaphone sales manager, is back from a New England trip with two new circuit deals set—one with the Pinansky-Mullins houses in 70 spots, and the Interstate Circuit in 10 towns. Tom Spry, Warner Boston manager, sat in on the deals.

Claim Rivoli Record

United Artists claims a new one-day attendance record for "The Bowery" at the Rivoli—16,000. During the first two hours, it is claimed, 2,750 paid admissions were chalked up.

RKO to Have Straw Vote

RKO theatres are going to conduct a straw vote on the mayoralty by installing ballot boxes in all the New York houses. It starts today. The count will be announced daily.

M-G-M Signs Four

HOLLYWOOD, Oct. 5.—M-G-M has given new long term contracts to Charles Brabin, director; John Meehan and Leo Birinski, writers, and Ted Healy, comedian.

Most Issues Rise Slightly

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	25	24½	24½	+ ⅛	300
Consolidated Film Industries, pfd	9½	9⅜	9½	+ ⅝	200
Eastman Kodak	80	79¼	79¾	.....	1,100
Fox Film "A"	16½	16	16⅛	— ⅝	600
Loew's, Inc.	33⅜	32	33¼	+ ¼	2,300
Paramount Publix	1½	1⅜	1½	+ ⅛	500
Pathe Exchange	1½	1⅜	1½	.....	1,200
RKO	9	8¾	8⅞	— ⅛	1,200
Warner Bros.	8¼	7⅝	8	+ ¼	20,500

Trading Light on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	⅜	⅜	⅜	.....	200
Sentry Safety Control	¼	¼	¼	.....	100
Technicolor	9⅞	9⅛	9⅞	+ ⅝	2,400

Loew's Jumps Two Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5½	5⅛	5⅛	— ⅛	2
General Theatre Equipment 6s '40, ctf	4	4	4	.....	3
Keith B. F. 6s '46	45	44¾	45	+ ¼	5
Loew's 6s '41, ex war	86	84	86	+2	9
Paramount Broadway 5½s '51	31½	31½	31½	.....	1
Paramount F. L. 6s '47	34	34	34	.....	1
Paramount Publix 5½s '50	32	32	32	.....	1
Warner Bros. 6s '39, wd	46½	45	46⅛	+1⅛	35

Purely Personal

CHESTER HALE will interview today a number of girls who will be selected for a series of shorts he will make for Fox.

MAJOR ERNST UDET, aviator appearing in "S O S Iceberg," has delayed his departure for Europe until after the National Air Pageant at Roosevelt Field tomorrow and Sunday.

JOHN FLINN returned from Chicago earlier than he expected this week and that's the reason he didn't preside at the A. M. P. A. meeting yesterday.

LEON SCHLESINGER left for the coast yesterday after signing a scenario writer and two animators for "Looney Tunes" and "Merrie Melodies."

ALINE MACMAHON will end her New York vacation within a week and will return to the coast to start work in "The World Changes."

GILDA GRAY and OLIVE BORDEN, former film luminaries, will appear on the stage here late this month in Harry Delmar's "Revels."

LILLIAN ROTH has been signed to a term contract by Educational for a series of musicals to be produced at the Astoria studios.

HERMAN WOBBER will make his second sales talk on the Kent Drive to Fox New York exchange employes tomorrow.

RITA KAUFMAN, Fox style expert, is in town looking for new creations for JESSE L. LASKY'S "Coming Out Party."

MORRIS KINZLER has two of EDGAR RICE BURROUGHS' books personally autographed to him by the "Tarzan" creator.

B. P. SCHULBERG will leave for Hollywood tomorrow to resume work as an independent producer for Paramount.

ED WYNN is not coming east this week as planned. He has delayed his stay on the coast indefinitely.

JACK HALPERN, former N. J. exhibitor, has joined Crown M. P. Supply Co. in New York.

HARRY ARTHUR and HALSEY RAINES have been fighting off colds in the last few days.

SOL LESSER gets in next week from the coast and will sail for Europe Oct. 14.

PHIL REISMAN hied to Baltimore last night and is expected back today.

MIKE MARCO leaves for the coast within the next week or 10 days.

CHARLES SKOURAS is in town for a few days.

JAMES MILLIGAN has joined *Billboard*.

Walkout Sets Back Code Again

Code Parley Splits with Lines Drawn

(*Continued from page 1*)

morning began to crackle with a vengeance before the morning was a few hours old.

The meeting with the exhibitors' committee was scheduled for this morning at 10:30. By 11 o'clock delegates and attorneys acting for Allied, the I. T. O. A. and the T. O. C. C. had not arrived. Several calls were put through to the Wardman Park where Allied maintains headquarters and word was passed on that "someone would be along in a few minutes."

It was not long after when Tom Murray, who acted as secretary for the exhibitors' code committee in New York, reached the Mayflower and delivered to Rosenblatt a letter in which the insurgent group declared it was "astounded not alone by what is contained therein (referring to the NRA code) but equally so by that which is omitted."

Protests Are Voiced

Protests were voiced that the code drafted by Rosenblatt "failed to correct monopolistic and unfair practices, the existence of which have been readily admitted."

At a meeting held early this evening the insurgent group appointed Charles L. O'Reilly as chairman, discussed plans for a program, it was declared, which will include urgent representations to be made to Administrator Hugh S. Johnson and to the President and recessed until 10 o'clock Friday morning.

Tonight O'Reilly, who has been a constant champion of the right to buy of which no mention is made in the NRA draft, was boiling over because of what he described as the manner in which independents had been ignored. "We propose to demonstrate that the independents represent 70 per cent of the country's theatres. That means we will have to carry 70 per cent of the load. We are, therefore, entitled to be heard. The group that signed the walkout letter represents between 6,000 and 8,000 theatres and I say they are privileged to as much time as the majors.

"The majors have been in control for 15 years. It's about time we had something to say. We intend fighting this thing through and this means it's the independents lined up against the majors."

O'Reilly Denies Court Action

Asked what course he intended pursuing, O'Reilly denied court action of any kind was contemplated. "Mr. Rosenblatt gave the majors a week in which to conform to certain matters outlined by the President of the United States. I think we ought to, and will get, the same length of time if we need it," he said.

Abram F. Myers, Mitchell Klupt, Jacob Schechter and Milton T. Weisman, lawyers all, have been designated to prepare an analysis of what the objecting group deemed to be "the vices and shortcomings of the proposed code."

Reports were in circulation toward midnight, although closely held, that this move may result in a coalition between the independent cohorts in opposition to the majors, but O'Reilly denied such a step was in contemplation. Others identified with the walkout, however, intimated that this was not an improbability.

The principal objections to the code in its new forms are declared to revolve around restrictions reputedly imposed on the independents. A spokesman for the group said the representation announced to be taken up the line to the White House will set forth that independent small town and neighborhood houses face closing or gobbling up by the circuits.

Text of Letter

The text of the letter follows:

"The undersigned representative independent producers, distributors and exhibitors have read with amazement the first revision of the proposed code for the motion picture industry presented by you yesterday. We are astounded not alone by what is contained therein, but equally so by that which is omitted.

"We have given freely of our time and substance in an effort to formulate a code which would effectuate the policies of the National Industrial Recovery Act.

"We have presented facts showing prevalence in the industry of monopolistic and unfair practices, the existence of which had been readily admitted in discussions before you, and to which you have frequently adverted, and we have been led to believe the Administration is cognizant of these conditions and of the need for their correction.

"It is our view the document presented is a departure from the declared purposes of the N.R.A., since it not only fails to correct monopolistic and unfair practices and to prevent oppression of small enterprises, but on the contrary tends to promote and perpetuate such practices and oppressions.

"The inevitable effect of the proposed code is to deny to all interests in the industry unaffiliated with major producers the relief which they had the right to expect, and to place a cloak of legality on manifestly unfair and harmful practices from which in the past it has been possible to procure some measure of relief and protection through the courts.

Fails to Hit Abuses

"Further, the proposed code fails to deal with any major abuses that afflict the industry, and it contains none of the major provisions which have been urged to permit the industry to go forward under the NRA, as for example; provisions intended to insure to exhibitors the opportunity to procure sufficient product, prevention of unfair discriminations, elimination of salacious and indecent pictures, the right to exercise individual discretion in vital policies in theatre operations, etc.

In setting up boards of administration and for hearing grievances provision is made for such a preponderance of influence for major producers and their affiliated interests, that no relief can be reasonably expected even from practices dealt with in the proposed code.

"In view of these considerations, and since two months already have been consumed in discussion of these matters, we do not believe any good purpose will be served by renewal of such discussions. We, therefore, prefer to present our views in writing. This will serve as definite record for Sol A. Rosenblatt not only of various proposals discussed during the past two months, but also of the manner in which those proposals have been dealt with or ignored in framing the proposed code.

To Present Analysis

"We respectfully advise you we are preparing and will present to you at the earliest possible moment an analysis of what we deem to be vices and shortcomings of the proposed code and a statement embodying our suggestions with regard to same.

The business and investments of the vast majority of producers, distributors and exhibitors being at stake, we cannot proceed further except in the manner herein indicated to the Hon. Sol A. Rosenblatt."

The letter was signed by Abram F. Myers as chairman and general counsel of Allied; Jacob Schechter, councel for the Federation of the M. P. Industry, and proxy for numerous independent producers and distributors, also the Independent M. P. Producers' and Distributors' Ass'n; Milton C. Weisman, counsel for the I.T.O.A., and Mitchell Klupt, counsel for the Independent M. P. Exhibitors' Code Protection Committee; H. M. Richey, general manager of Allied Theatre Owners of Michigan; Charles L. O'Reilly, president of the Theatre Owners' Chamber of Commerce; Nathan Yamins, president of the Independent Exhibitors of New England; Calvin Bard of the M.P.T.O of Nebraska and also Allied of Nebraska; David Barrist, chairman of the board of managers of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware; James C. Ritter, president of Allied States Ass'n; Aaron Saperstein, president of Allied States of Illinois; Col. H. A. Cole, president of Allied States of Texas; Harry Brandt, president of I.T.O.A.; A. H. Schwartz, president of the Century Circuit of New York; Sidney Samuelson, president of Allied States of New Jersey; Louis F. Blumenthal, chairman of the Protective Code Committee; W. B. Littlefield, vice-president of the Independent Exhibitors of New England, Inc.; Leo Brecher and Leon Rosenblatt of the I.T.O.A.

A split is indicated between the M.P.T.O of Pennsylvania and the national M.P.T.O.A., with which the Barrist unit is affiliated, despite the statement by Barrist at the second code hearings that his outfit was sticking with the national outfit.

Rosenblatt Goes On

The new developments made no changes in Rosenblatt's plan. He proceeded to confer with what was left of the exhibitors' committee this morning as if the entire authorized delegation had turned out as per schedule.

Action of those who pulled out came in for severe criticism during the day and evening, principally from M. P. T. O. A. and affiliated theatre ranks. The impression voiced was that the objectors had made a mistake, and that by withdrawing they had indicated they had no intention of battling for what they considered their rights.

Several affiliated theatre men said there was much in the submitted code which was not to their liking but that they saw little advantage in checking out of the proceedings.

Regardless of how the defection works out—and nobody is inclined to go positive on guesses—one definite conclusion loomed tonight, and that

(*Continued on page 6*)

Full of Gags

Washington, Oct. 5.—"Our equities in the code must have been written in with indelible ink. By the way, how do you bring out indelible ink? It's by applying the heat, isn't it?" asked H. M. Richey, general manager of Allied of Michigan and one of the insurgent exhibitor group which withdrew from code deliberations today.

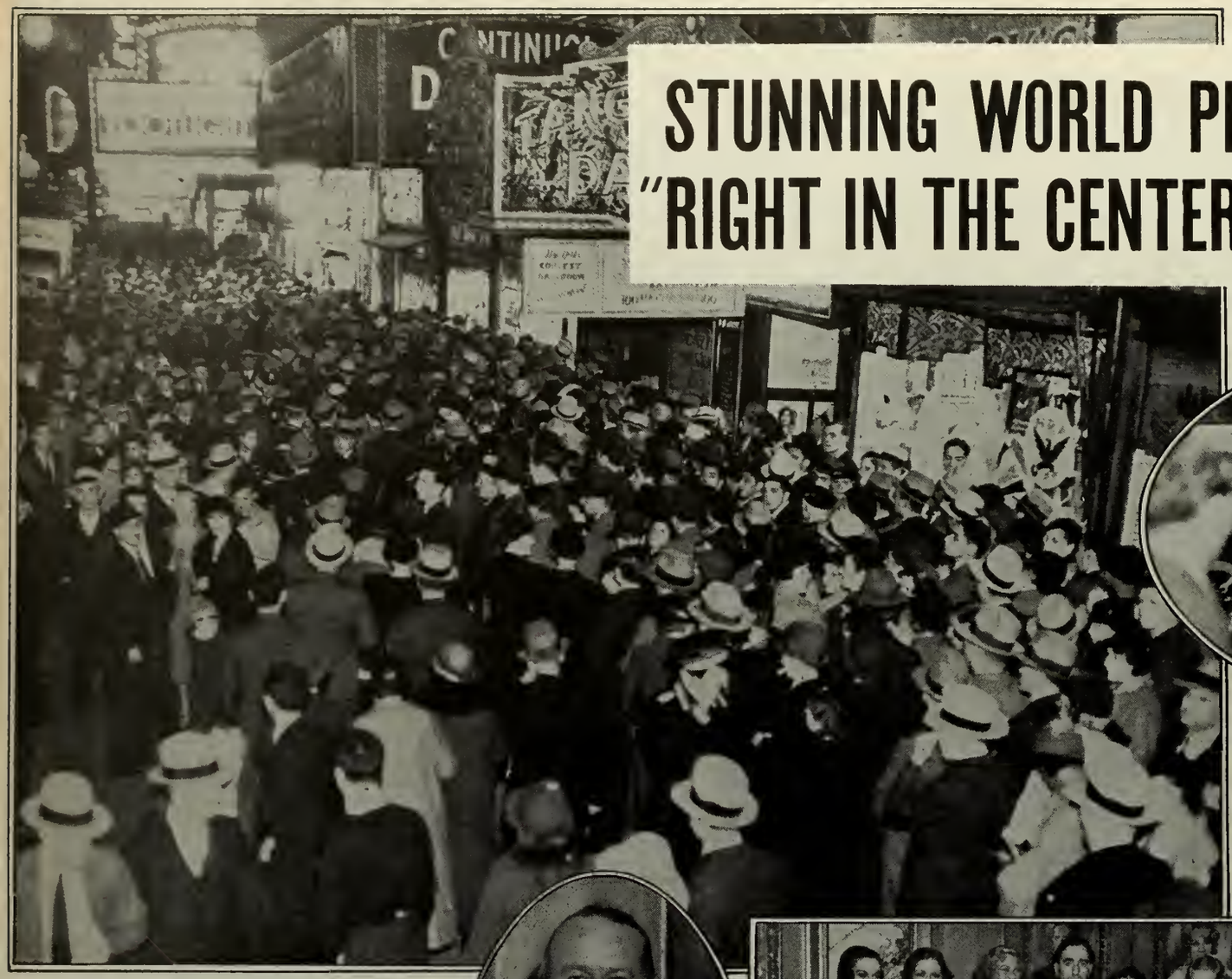
"Well draw your own conclusions," he concluded.

Another exhibitor advanced as proof that the withdrawers had been sent to the cleaners the fact that their own code meeting had been switched to the Chinese room of the Mayflower at the last minute tonight.

Independents Plan Analysis Of Grievances

SEE NEXT 2 PAGES for the feature which regularly appears on this page every Friday—"NEWS OF WEEK IN PHOTO-REVIEW"

STUNNING WORLD PREMIER
"RIGHT IN THE CENTER OF THI



100 BICYCLING BEAUTIES pedal to opening as one of dozens of flash advance stunts.

"FOOTLIGHT PARADE" TOPS "GOLD DIGGERS'" opening gross at N. Y. Strand's "tremendous world premiere of the biggest and brightest of the Warner musicals." (*N. Y. American*).

ROUSING OVATION for her greatest work to date greets arrival of Ruby Keeler accompanied by hubby Al Jolson and Ma.

HUNDREDS OF PREMIERE NOTABLES included famous Langdon W. Post, political limelighter.

"ACHIEVED THE IMPOSSIBLE!" wires Oklahoma City's Geo. Henger reporting "bigger than 'Gold Diggers' opening" for *Bureau of Missing Persons.*

GETTING A LOOK at what they'll have to beat in next Warner musical, New York's prettiest, just selected and signed to Warner contracts by Busby Berkeley, attend premiere.

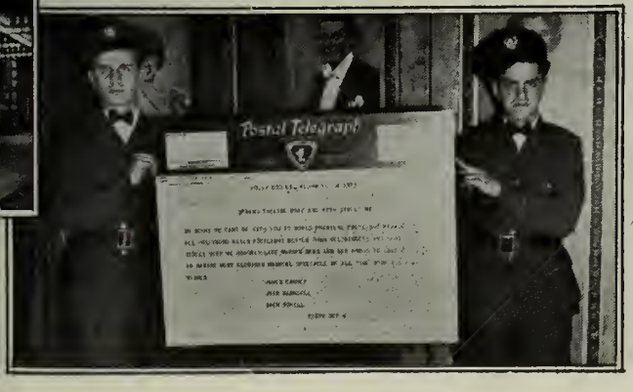
WARNERS BUY "HEAT LIGHTNING," unique legit drama, after sensational Broadway reception.

PLANTS FOOTLIGHT PARADE "SPOTLIGHT" OF WEEK'S NEWS

"A BIG NIGHT IN THE MOVIES, OF THE MOVIES AND FOR THE MOVIES" was film-critic Regina Crewe's comment on this milling mob which closed entire Broadway block to traffic.

LOVELY LOBBY STAFF which greeted over 5800 Strand patrons at first two performances of "the kind of musical only Warner Bros. can make."

GIANT WIRE from "Footlight" stars congratulates Strand on new all-time record.



ARRIVES TODAY! First print of Paul Muni's *The World Changes* is shipped to New York for preparation of elaborate campaign which will herald early release.°

AND STILL THEY COME— in rain-soaked morning after opening, setting new first-day house record!

°A First National Picture Vitagraph, Inc., Distributors

Battle Begun on Labor Clauses

Labor Terms Start Heated Discussions

(Continued from page 1)

as one of the committees designated to settle disputes which may arise on wages and hours in towns where the I.A.T.S.E. has no local. They say there is no reason why the I.A.T.S.E should be invited in, and tonight they repeated the statements made Wednesday night that this would open the door for the international to attempt to organize in hundreds of towns where operators today either are non-union or are drawn from rump unions which owe no allegiance to any international.

If the I.A.T.S.E. scale is to prevail, the contention is that many houses will be compelled to darken. A case in point was made by an important exhibitor who said that in four southern states where he operates the I.A.T.S.E. is in only 19 towns. Like other exhibitors, he viewed the extension of the right of the I.A.T.S.E. to help adjudicate disputes in which it has, or can have, no concern, as nothing more or less than granting to I.A.T.S.E. officials NRA sanction for a nationwide membership drive.

Speculate on Intent

Whether Rosenblatt realized this, or whether the clauses, as framed, carry interpretations which go far beyond his intent is not known. Lobby talk leans toward the idea that he did not intend the labor provisions to be as far-reaching as exhibitors now diagnose them.

Exhibitors met with Rosenblatt this morning to take up the NRA draft clause, but failed to get beyond the labor provisions. The first meeting broke up for the World's Series game, to resume at 5 o'clock. This session ran for 90 minutes, and was followed by a committee meeting with Rubien, but minus the presence of Rosenblatt, who shifted the scene of his operations to a producer meeting on the ninth floor of the Mayflower.

At 10:30 tomorrow morning the interminable sessions will resume in the hope that by that time some sort of in-between compromise will have been effected between exhibitors and Rubien.

The clause which has theatre men so hot and bothered appears in Section 1, headed "Labor Other than Actors" and starts with Clause 6.

Article 6.

A. Employes associated with organizations of or performing the duties of carpenters, electrical workers, engineers, firemen, motion picture machine operators, oilers, painters, theatrical stage employes, theatrical wardrobe attendants, or other skilled mechanics and artisans, and musicians, who are directly and regularly employed by the exhibitors, shall receive the minimum wage and work the maximum number of hours per week fixed as of Aug. 23, 1933, as the prevailing scale of wages and maximum number of hours of labor by organizations of any of such employes affilliated with the American Federation of Labor with respect to their respective type of work in a particular class of theatre or theatres in a particular location in a particular community, and such scales and hours of labor with respect to any of such employes in such community shall be deemed to be, and hereby are declared to be, the minimum scale of wages and maximum number of hours with respect to such employes in such communities in such class of theatre or theatres.

B. In the event that there exist in the particular community organizations of such employes above mentioned, whether such organizations are affiliated as above set forth or otherwise, and (1) no prevailing scale of wages and maximum number of hours for such employees exist in such community with respect to such employes, or (2) any dispute should arise as to what is the minimum scale of wages or the maximum number of hours of labor with respect to any of such employes for a particular class of theatre or theatres in any particular community, then and in either of those events:

Boards to Decide

(a) If the question at issue arises with the organization of such employes affiliated with the American Federation of Labor, then a representative appointed by the national president of such affiliated organization, together with a representative appointed by the disputant, shall examine into the facts and determine the existing minimum scale of wages and maximum number of hours of labor for such theatre or theatres in such particular locality, and in the event they cannot agree upon the same, they shall mutually designate an impartial third person who shall be empowered to finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such third person, then the National Recovery Administrator shall designate such third person; however,

(b) If the question at issue arises with the unorganized employes or with an organization of such employes not affiliated with the American Federation of Labor, then a representative of such unorganized employes, or, as the case may be, a representative appointed by the president of such unaffiliated organization, together with a representative appointed by the disputant, together with a representative appointed by the national president of such affiliated organization above referred to, shall examine into the facts and unanimously determine the existing scale of wages and maximum number of hours of labor for such theatre or theatres in such particular community, and in the event they cannot agree upon the same, they shall mutually designate an impartial third person who shall be empowered to finally determine such dispute, with the proviso, however, that in the event such representative cannot mutually agree upon such impartial third person, then the National Recovery Administrator shall designate such impartial third person.

Stay on Changes

C. Pending the determination of any such dispute, the rate of wages then paid by the exhibitor in such theatre or theatres in such community, and the maximum number of hours then in force (and not more than the hours provided for in this code) shall not be changed so as to decrease wages or increase hours.

D. In order to effectuate the foregoing provisions of this Section 6 hereof, and pending the determination of any dispute as above specified, the employes herein embraced and provided for shall not strike, and the exhibitors shall not lock out such employees.

7. In no event shall the duties of any of the employes herinabove specified in Section 6A directly and regularly employed by the exhibitors as of August 23, 1933, be increased so as to decrease the number of such employes employed in any theatre or theatres in any community, except by mutual consent.

8. With respect to any labor not hereinbefore provided for, such labor when regularly employed by the exhibitors shall be paid not less than 40 cents per hour.

Affiliated Theatre Men Shying Clear of Arguments Over Labor

Washington, Oct. 5.—Affiliated theatres are shying clear of the fight on operators. In practically all instances they use I.A.T.S.E. men and therefore the proposed plan permitting I.A.T.S.E. men to sit in on the settlement of disputes involving non-union, or rump union operators, is no direct concern of theirs.

In their initial excitement exhibitors, other than affiliated, hurled many direct charges at producer-controlled representatives. Several insisted the labor provisions, as drafted by Deputy NRA Administrator Sol A. Rosenblatt, were influenced by affiliated representatives with the express idea of forcing many small houses to close.

One exhibitor remarked: "No more theatre mergers are necessary if this stands. Major circuits won't have to buy more houses. Those houses simply will pass out of the picture."

Circuits Left Out

Washington, Oct. 5.—Affiliated theatres, *Motion Picture Daily* learns, are not satisfied with the reported line-up for the code authority. They point out their combined interests, representing an invested capital of $500,000,000, are completely passed up on the board as it stands at present and indicate unofficially strong protests will be presented to have one of their number included. They are known to feel that the presence on the code authority of men like Sidney R. Kent, Nicholas M. Schenck and Harry M. Warner, whose companies have large exhibition holdings, is not sufficient, on the theory all of them are distributor and not theatre-minded.

O'Reilly Move May Realign Authority

(Continued from page 1)

co-ordinator, is understood to have disturbed Deputy NRA Administrator Sol A. Rosenblatt considerably by his decision, although the deputy administrator is not believed to have expressed himself in so many words. As reported exclusively in MOTION PICTURE DAILY, O'Reilly is definitely slated for one of 12 posts on the code authority board.

Install Wide Range

BUFFALO, Oct. 5.—Basil Bros. have installed wide range sound reproduction in the Hollywood, Victoria, Genesee and Broadway theatres.

Code Parley Splits with Lines Drawn

(Continued from page 3)

is the final washup on code formulation has been set back for the third time.

In the meantime the gags that are being bandied about are growing in number. Edwin J. Loeb has sent to California for a winter overcoat and tonight Ed Kuykendall received a wire from a Kansas exhibitor who, having read the highlights of the NRA code, wants to know if he can't get the original agreement back again.

MPTOA Will Stick 'Till Code Is Set

WASHINGTON, Oct. 5.—Regardless of what other exhibitor organizations may do, the M.P.T.O.A. will stick it out on the Washington front until the code is finished, or Rosenblatt sends the delegation home, declared Ed Kuykendall, president, today.

"We cannot accept some of the provisions as they are phrased. The possibility is strong, however, that we can work them out, and so we propose staying on the job," he said. "Ninety-five per cent of the increased operating cost under the code will be borne by exhibitors and therefore we feel we are entitled to some consideration in framing trade practices which will prevail."

Particularly disturbing to the M.P.T.O.A. delegation are the labor provisions.

Supply Dealers in Haze on Rejection

WASHINGTON, Oct. 5. — Supply dealers whose code was the first to be rejected by the NRA, cannot figure it out. Many provisions in the tentative draft were drawn from other codes already approved by the NRA, and, as a matter of fact, were actually clipped and pasted.

Despite this, the draft was entirely rejected, necessitating a rewrite. About two-thirds of it is acceptable, but one-third has been ordered redrafted. This work is largely in the hands of J. E. Robins, president of the Independent Theatre Supply Dealers' Ass'n, who now is seeking definitions on unacceptable points from various NRA officials, including representatives of the legal, planning and research, consumers and labor divisions. When clear the new code will be mailed throughout the country and a second hearing will be held here.

I.T.O.A. Expands Offices

Headquarters of the I. T. O. A. have been enlarged, but no weekly meetings will be held there. Tuesday gatherings will be continued to be held at the Astor Hotel.

WHO'S AFRAID OF THE BIG BAD WOLF?*

*with a bow to
Walter Disney

SEE NEXT PAGE

"8 GIRLS IN A BOAT"
A Charles R. Rogers Production. Directed by Richard Wallace.

"THE SKY'S THE LIMIT"
Jack Haley, Jack Oakie, Ginger Rogers and the Pickens Sisters. A Charles R. Rogers Production. Directed by Harry Joe Brown.

"SHE MADE HER BED"
Charles Farrell, Marguerite Churchill, Charlie Ruggles. A Charles R. Rogers Production. Directed by Ralph Murphy.

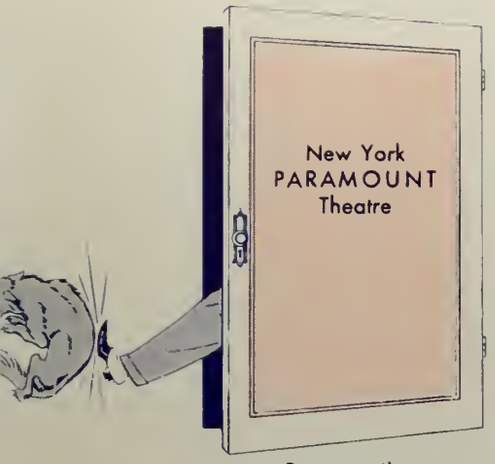
"TILLIE AND GUS"
W. C. Fields, Alison Skipworth and Baby LeRoy. Directed by Francis Martin

"HELL AND HIGH WATER"
Richard Arlen, Judith Allen and Charley Grapewin. Directed by Grover Jones and William Slavens McNutt

"WHITE WOMAN"
Charles Laughton, Carole Lombard, Charles Bickford. Directed by Stuart Walker.

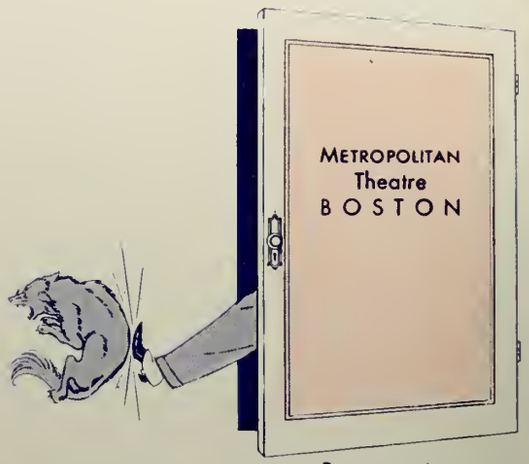
The illustrations are reproductions of Paramount Press Sheet Covers

and the BIG, BAD WOLF got it in the end!



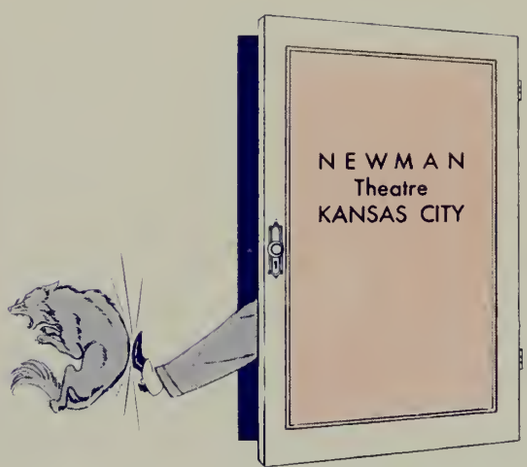
Paramount's
"TOO MUCH HARMONY"
brings best business in 10 months.

Paramount's
"TOO MUCH HARMONY"
brings best business in 15 months.

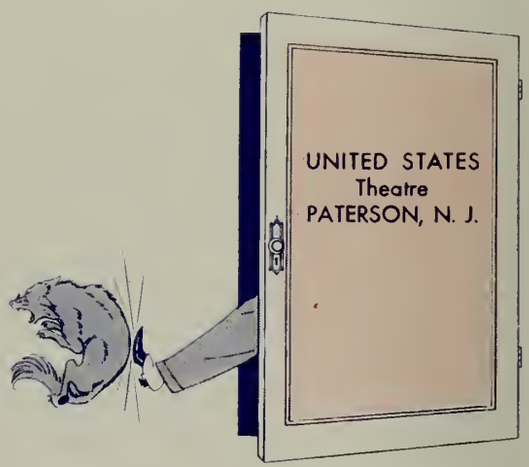


Paramount's
"TOO MUCH HARMONY"
Best business in 14 months.

Paramount's
"TOO MUCH HARMONY"
Best business in 12 months.

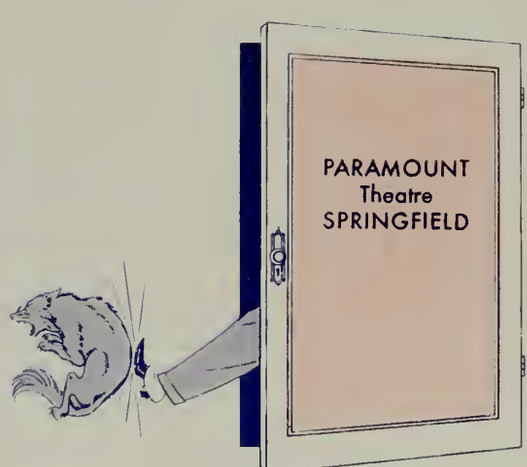


Paramount's
"TOO MUCH HARMONY"
does 200% of average business.

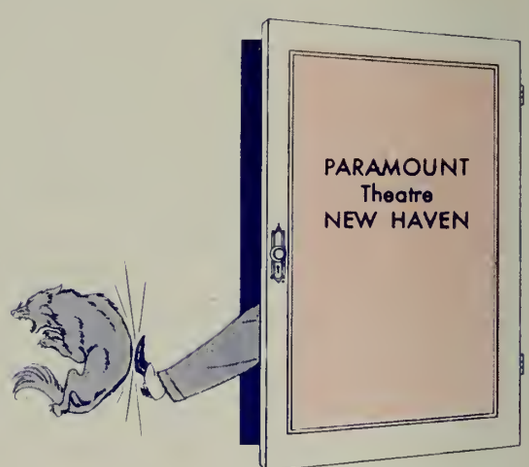


Paramount's
"TOO MUCH HARMONY"
Best business in 8 months.

Paramount's
"TOO MUCH HARMONY"
200% of average business.



Paramount's
"TOO MUCH HARMONY"
Best business in 2 years.



Paramount's
"TOO MUCH HARMONY"
Best business in 12 months.

if it's a PARAMOUNT PICTURE it's the best show in town!

• Looking 'Em Over •

"My Woman"

(*Columbia*)

Fairly entertaining, this melodrama of a song and dance team who are doing their turn in a Panama cafe until Helen Twelvetrees sells Victor Jory, head of a broadcasting company, an idea that she should be given an audition when she returns to the States. In order to get Wallace Ford, her husband, to go to the U. S. Miss Twelvetrees tells him that the audition is for him and not her.

Back in the States, the heroine gets her husband the tryout, she refusing the chance, much to the disappointment of Jory. Ford becomes the sensation of the day, gets swell-headed and falls for Claire Dodd with the result that he leaves his wife. On his own he is a flop and writes finis to his radio career. The heroine returns to the tropical cafe and her act as a blues singer. Shortly after Ford returns admitting his wife was his only pal after all.

The show angle will hold the interest generally and this should be played up in advertising, publicity and exploitation tieups. Victor Schertzinger directed.

"East of Fifth Avenue"

(*Columbia*)

Average melodrama of a heterogenous boarding house group, the joys of some of them and the sorrows of others. In this group are Wallace Ford, Dorothy Tree, Mary Carlisle and Walter Byron, around whom the story centers. Miss Tree, a show girl, awaits the return of Ford, expecting him to own up to the wrong he has done. When he does return, he brings Miss Carlisle, whom he has married while in New Orleans playing the horses.

Miss Tree seeks to commit suicide as the only way out, but is consoled by Walter Connolly and Louis Carter, who are about to celebrate their golden wedding anniversary. While Ford is away from the house, his wife and Byron, a poet, find in each other a new dream world.

Ford wants to quit horse betting. He tries to get a loan of some money from his friends for the last big clean-up so that he can go into the garage business. Turned down by his pals, Miss Tree takes $1,000 from the Connolly home and leaves a note explaining the loan. She gives the money to Ford and he bets it all on a nag. When Connolly's wife, overlooking the note, finds the money missing she dies of heart failure. Ford wins on his bet and Miss Tree returns the money to Connolly, who later commits suicide, keeping a death pact with his wife. The hero learns his wife and Byron have flown the coop, but he finds a renewed happiness in Miss Tree.

"Midshipman Jack"

(*RKO Radio*)

Pretty good melodrama of cadet life, which, in addition to bringing out the rigid observance of rules and regulations constituting the life of midshipmen, has as its main plot the romantic adventures of Bruce Cabot, Betty Furness and John Darrow. Arthur Lake, as the dissatisfied plebe and his sister, Florence, supply a number of laughs.

As one of the four students who failed to graduate, Cabot is put in charge of a group of plebes, new students. Frank Albertson is made his assistant. Lake gives Albertson a lot of trouble and at times Cabot is forced to intercede to save the former from a beating.

Meeting Miss Furness, the commandant's daughter, Cabot starts a romance with her which has him breaking regulations so that he can be with her. Darrow, Cabot's buddy, has been paying court to the heroine and, noticing the sudden interest of Cabot, tells him that he is engaged to her. The heroine denies this and tells Cabot she is interested in him only.

While out maneuvering in a sub chaser, Cabot's craft crashes into a seaplane in restricted waters. The hero takes the blame and is expelled for the affair, although it was Albertson's fault. Albertson, seriously injured in the crash, tells Cabot he is going to own up to the accident. His story is heard by the commandant and his daughter, and the hero is ordered back into service with full honors. Miss Furness likes the idea of Cabot making a hero of himself and takes him under her wing for the rest of his life. Christy Cabanne directed. Glendon Allvine was associate producer.

"Police Car 17"

(*Columbia*)

Melodrama concerning the activities of a radio car division of the police department. It will satisfy Tim McCoy fans, although the hero drops his cowboy make-up for a policeman's uniform. Evalyn Knapp is fair in the leading feminine role. Edwin Maxwell, as the gang leader, handles a difficult role well.

Meeting Miss Knapp, a school teacher, on one of his rounds, McCoy takes a fancy to her. He learns she is the daughter of Wallis Clark, a police lieutenant, who has been injured by Edwin Maxwell, head of an underworld clique. Although the heroine is going with one of Maxwell's henchman and doesn't know it, the hero continues his love making to Mis Knapp. The gang pulls a jewelry robbery and two of the thieves are killed. The other two escape, but McCoy finds evidence leading to Ward Bond, Miss Knapp's boy friend. Maxwell, who is out to get even with Clark for sending him up to the pen, has his henchman abduct the lieutenant and his daughter to his hideaway. McCoy learns where they have been taken from Bond and arrives just in time to save the heroine's father from being murdered.

It's meat for youngsters who like copper-gangster yarns.

Lesser Will Set Up European Branches

(*Continued from page* 1)

the Continent. Headquarters will be here.

Distribution outlets are planned in London, Paris, Rome, Barcelona, Vienna and Stockholm to supplement the 24 franchise holders in the U. S. Max Glucksmann will handle South America and Mexico distribution also has been set.

Upon Lesser's return production will get under way on "Chicago Sal," "Peck's Bad Boy" and an untitled Harold Bell Wright story. About 200 subjects will be released by Principal including the "Tarzan" series, six James Oliver Curwood stories, two special adventure series and many other novelty shorts.

"Tarzan" to Be Sold As 9-Reeler Abroad

Sol Lesser, president of Principal Pictures Corp., has decided to release "Tarzan the Fearless" in nine reels abroad, eliminating the serial form which was distributed in the United States in addition to the feature.

Spellman Radio Editor

HOLLYWOOD, Oct. 5.—Howard Spellman, former New York attorney and writer, has been signed as story editor for Radio.

SHORTS

"Strange As It Seems No. 2"

(*Universal*)

Plenty of curiosities to hold the interest of the most jaded fan. In particular there are shots showing a Navajo Indian shaving with a piece of tin and a farmer scratching his nose with his nether lip. Well worth while. Running time, 10 mins.

"The Seventh Wonder"

(*Monogram*)

One of the series of "Port O' Calls" produced by William Pizor. The Seventh Wonder of the World is the Panama Canal and this subject covers it from all angles. Scenes of Panama itself and some of its interesting highlights are also pictured. Deane H. Dickason is the monologuer and is clear in describing his subject at all times. Running time, 9 mins.

"Butterfly"

(*Audio Productions*)

Second of a series by Erpi Picture Consultants. It shows butterflies coming out of eggs, caterpillers and other phases of insect development. Interesting for child audiences. The narrative is by Dr. Clyde Fisher of the Metropolitan Museum. Running time, 10 mins.

"Goofytone Newsreel No. 2"

(*Universal*)

Again the newsreel is kidded for a number of laughs, but they are not so much when the subjects are stretched to monotonous lengths. However, a Swedish dialect piece gets over very well. Running time, 10 mins.

"Seed Dispersal"

(*Audio Productions*)

This is the first of a new series produced by Erpi Picture Consultants and released through Audio. As the title implies, it shows, with the aid of microscopic photography, how seeds are distributed. It has educational value as well as entertainment appeal for certain types of audiences. An accompanying narrative is by Dr. Clyde Fisher of the Metropolitan Museum. Running time, 10 mins.

"Five and Dime"

(*Universal*)

Oswald and his cartoon characters get all messed up in a five and ten cent store and their antics provide some good laughs. Repetition of "I Found a Million Dollar Baby in a Five and Ten Cent Store" becomes monotonous after a while. Running time, 8 mins.

Legal Phase of Star Pay Cuts a Worry

(*Continued from page* 1)

Aligned with him are reported to be Sidney R. Kent, president of Fox; Nicholas M. Schenck, president of M-G-M and Loew's, and George J. Schaefer, general manager of Paramount. Those opposed are understood to be R. H. Cochrane, vice-president of Universal, and Jack Cohn, vice-president of Columbia.

Meeting behind closed doors all day except for an interlude this afternoon to see the Senators lick the Giants, producers were at it again with this one article as the reputed battle ground over which they are again mulling. Warner is on record twice already with fixed ideas on salaries. He previously has aired his views on the way to readjust the economic balance in the industry, and that is to trim top salaries and add to the bottom.

Sets Deadline for Claims

ST. LOUIS, Oct. 5.—Under an order of United States District Judge Charles B. Davis in the receivership suit against the St. Louis Properties Corporation, all unsecured claims against the corporation not heretofore presented must be submitted to the receiver within 90 days from September 29, otherwise such claims will be barred from participating in any dividend which may be made in the case.

Back Stage and Off Record

By FRANK SCHAFFER

EDDIE DOWLING, who is too busy on production to attend all meetings of the ABA of which he is the president, would like to resign but the actors won't let him. . . . George Sidney automobiled all the way to Hollywood. Two days there he got a job as sound man at M-G-M. A few weeks later it was discovered he is the son of L. K. Sidney, executive of the Loew circuit. . . . Johnny Simon, who has been ill for many months, is getting better every day in every way. He is in Hollywood. . . . Many Paramount customers would like to see the two Crawfords back and many who visit the Music Hall would like to hear them play the twin organs of which only one is in use. . . . Esther Ralston who filed bankruptcy claims the other day, is said to have been a victim of Los Angeles real estate sharks. . . Martin Beck's vaudeville deal is off because he says he's not interested in teaching "them" show business. Wonder who the "them" are? . . .

The foreign department of a large picture concern received a cablegram in French the other day, but none of the staff was able to translate it. . . . Alfred Loyal, dog trainer who has played practically every circuit, has bought a home in Fernwood, N. J. . . . They say that La Belle Titcomb died in Germany penniless. In former years she was the toast of Europe and played many times for B. F. Keith and Martin Beck. Nat Wills was her last husband. . . . "Tink" Humphry writes from Hollywood that he lives on orange juice one day and the next day on tomato with very light meals in between. His heart is beating better. . . . Irving Simon, the booking agent, who a few weeks ago tipped the scales at 225 pounds has reduced his weight to 190. . . . Lew Hearn, the pint size comedian, has found a partner by the name of Charita, an attractive woman with a splendid voice. . . .

Norma Shearer, who was given a gold medal for making good pictures, should also receive one for saving the life of young Sam Goldwyn. . . . Albert Gloria, the ball-room dancer, is now a "legit actor" in "Her Mask of Wax." . . . Dave Hutton, Aimee Semple MacPherson's husband who appears in vaudeville, has to pay commish to Arthur Silber, to Billy Jackson and to his personal representative, Harry Brandon. . . . Every big-time booking agent claims to have Josephine Baker under contract, but they all can learn here that the colored countess will not come to America to entertain publicly. . . . Morrison and Winkler, booking agents, refuse to handle freak acts and are not interested in colored turns. . . . Quarters of the RKO vaudeville department has been reduced to hall room. . . .

The Theatrical Democratic League has sent a list of about a dozen names of so-called "chiseler agents" to Commissioner William Flynn, Senator Thomas F. Burchill and Senator Elwood M. Rabenold. About half a dozen names have also gone to the district attorney's office. A clean-up is expected by the whole trade. . . . The Circle Theatre, Columbus Circle, can use better ventilation. . . . Countess Albani, radio star, was born in Barcelona and not in Hungary. . . . Ruth Mix has taken up a course in aviation. Wants to become a pilot. . . . A film studio is scheduled to be built on the French Riviera. It will be called "Riviera-Hollywood." An English concern is furnishing the capital. . . . Jake Lubin, head booker for Loew, says N. R. A. stands for "No Rotten Acts." . . .

Rex Weber's contract with the Shuberts expires next May 15. . . . The "Brown Derby" restaurant in the Hollywood Building on Broadway, between 51st and 52nd Sts., is in opposition to Lindy's. . . Mack of Blondell and Mack, booking agents, insists that in time to come the public will demand vaudeville again. Others have different ideas. . . . Charles Griswold, manager of the Music Hall, is beginning to show the effects of too close application to business. A little rest would do him no harm. . . . Eddie Darling, former Keith booking chief, when in town invites a few actors for dinner and pays the bill a few days later by check. In former days, the actors paid the bills—and were glad to do so. . . . A married man, for 17 years back-stage doorman in various Keith and RKO theatres—55 years of age—hale and hearty—needs a job. . . .

From abroad:

Every film studio in Italy is working overtime and show business is excellent. . . . Warners may build their own theatres in Holland. . . . Germany expects to do big business with "Cavalcade," "State Fair" and "Zoo in Budapest." . . . A new studio has been built in Hammersmith, England, to be known as Triumph Film. Reginald Smith is managing director. . . Alsace-Lorraine needs foreign pictures. France only delivers about 200 a year, Germany only a few and America even less. . . . About 165 features are scheduled to be made in Germany in the new season. . . . A little over four million people in Germany are out of work, or more than a million less than last year. . . .

The Royal Court Theatre in Liverpool is now a music hall playing eight acts of vaudeville. . . . "The Sign of the Cross" and "Rain" are, for the time being, forbidden in England. . . . "Moonlight and Pretzels" will be known in England as "Moonlight and Melody." . . . Gambling casinos on the style of Monte Carlo will be built in Carlsbad, Baden-Baden and other German summer resorts. . . . Most American turns booked to appear in London engage "claques" to applaud their acts. . . . Poland has only one studio. Makes about a dozen pictures a year but needs 250—a chance for America to cover the market better. . . .

In 1923, Ike Rose imported from abroad a midget troupe to be known as Ferdinand Singer's Midgets (no relation to Leo Singer) and has paid the troupe over $120,000 in salary in six years. Yet these little folks have never paid the Government a cent of income tax. They are at present at the World's Fair in Chicago. . . . There are about 25 eating places on West 47th St., between Broadway and Sixth Ave. The only one frequented by actors and executives is Gerson's, next to the Palace stage entrance. . . . John Ringling, the circus king, looks worried and his hair is greying. . . . Morton Downey is getting stouter and Bessie Mack is reducing on a "Webers Tea" diet. . . . Ed Davidow, booking agent for "legit" shows, would like to reduce his large quarters in the Bond Building, but by doing so, thinks it might hurt his business reputation. . . . Bert Lahr says: "The world is a comedy to those that think; a tragedy to those who feel." . . .

And Walter Kelly says: "If we cannot live so as to be happy, let us at least live so as to deserve it." . . Since Gomez and Vinona started the "Bolero" many dancing acts now are doing ditto. . . . Russell Patterson may do the scenery for the "White Horse Inn." . . . Mills-Kirk-Martin, comedy trio, will lose one of their members. It will be Harry Martin, who has an offer to go on the air. . . . Mrs. Berle, mother of Milton, who appeared for five weeks in Chicago, says she didn't get to the World's Fair, because she was too busy applauding Milt. . . . Cliff Hall, Jack Pearl's partner, is getting along nicely. The auto accident has marred his face and neck with 47 stitches. He resumes his broadcasting with Pearl Oct. 7. . . . "Count" Bennett has secured the right for America of the stage play "Die Stadt Ohne Juden" ("The City Without Jews.") . . .

Dave Kramer and Jack Boyle are partners again. . . . Theodore Dreiser very often takes his meals at La Petite Bretonne on West 55th St. During luncheon hours one may see there many film actors in their make-up from the Fox studio. . . . Did you see the five carat diamond ring on Hatty Alhoff's finger? She tells everybody it is a present from an admirer. As a matter of fact, it is an heirloom from her father. . . . One hundred and twenty-five musical bell ringers from Sweden will visit America. They pay their own fares both ways, but will listen to dates for vaudeville or picture theatres. . . . Georgie Price who works strenuously for the A. B. A., sans pay, is an idealist.

Erik Charell, European producer, can't understand why American managers plaster beautiful lobbies with cheap card boards. . . . Former Ambassador Gerard, passing the Capitol Theatre, made the same remark. . . . Roy Smeck has a patent on a "pick" for banjoes, guitars and "ukes" and collects $50 a week in royalties. . . . "Zit Cosmopolitan" is still the feature sign on top of the dark theatre. . . . Single monologists and also comedians with stooges will soon be no longer in demand, says a broker of a major vaudeville circuit.

Keyhole Stuff

When Danny Simmons, former vaudeville booker for B. S. Moss Theatres, went to Paris to live a life of *dolce far niente*, he killed most of his time by riding bicycle.

He's now in Hollywood with two bikes. One for himself, the other for Moss.

Can you picture them riding up Hollywood Boulevard? . . .

Joe Laurie, Jr., is a pipe collector and smoker, but his frau does not allow him to smoke at home, or in her presence. So he hangs out 'till late in the morning at the Friars' Club. . . .

Clifford and Marion are sort of unique among actors. They often refuse bookings at full salary because they'd rather play golf and bridge...

BAIT
K
K
FOR 20 MILLION
PEOPLE!

INDIANA POLITICIANS SAY..

"IF YOU CAN'T LICK 'EM

..JOIN 'EM"

Can you imagine this? The other day an exhibitor said to one of our salesmen, "I'm afraid to play those Culbertson pictures . . . they may teach my customers to play Bridge and keep 'em away from my theatre". . . how's that for an excuse to pick your own pocket?

There are only twenty million bridge players in the country and that's about one-third of the adult population of every man's town, and a lot of 'em *are* staying away from the theatre right now!

When you go fishin' you've got to have bait, don't you?

You buy star pictures because you know they've a following . . . you buy popular novel pictures because they've been read and people want to see what the characters look like! In other ads we've told you a lot of interesting and surprising things about this fellow Ely Culbertson . . . bridge wizard and showman. Showed you where and why he gets more fan mail than a Hollywood queen . . . told you about his 4,000 teachers and their 600,000 pupils . . . showed you why he commands the front page of every newspaper, why one of his books sells more copies than the ten "best seller" authors.

—It's because twenty million people are interested in him, what he says, what he does that they'll lay their dough on the line to see him. Those are the folks that right *now* are dealing out the cards . . . the ones you want to pull into your theatre . . . and Mister, Ely Culbertson and his "My Bridge Experiences" are the bait! Bring those people in six times and you'll be just six times better off than you are right now . . . and, besides, you've got a pretty good chance of convincing them that yours is a right nice opera house and that the movies after all are a nice change from staying home every night.

Well, we've told our story . . . RKO-Radio has the pictures ready . . . six of 'em, honeys! Funny, thrilling and darned good entertainment for everyone. When you book 'em, give 'em the works . . . advertise 'em as you would your biggest feature. There's a real showman's campaign book ready, filled with ads, publicity, stunts . . . we've posters, lobby displays, novelties galore to lure 'em in. This ain't no side-show—it's a circus!

Yes, sir, they're playing bridge right now! "If you can't lick 'em . . . join 'em."

Twin Cities Give $10,500 To "Dr. Bull"

MINNEAPOLIS, Oct. 5.—"Doctor Bull" was the only attraction that displayed any strength in the Twin Cities last week. It was $500 up at $5,500 in the State here, and across the river it reached par, $5,000, at the Paramount.

"Pilgrimage" held up to $1,500 at the Lyric here and reached $800 for four days at the Tower in St. Paul.

Grosses of the five Minneapolis houses totaled $16,700 where average business is $17,200. St. Paul's four, usually grossing $14,000, did only a $13,400 business.

Estimated takings:

Minneapolis:

Week Ending Sept. 28:

"BEAUTY FOR SALE" (M-G-M)
CENTURY—(1,640), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,500.)

"PILGRIMAGE" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

Week Ending Sept. 29:

"TARZAN, THE FEARLESS" (Principal)
RKO ORPHEUM—(2,900), 20c-40c, 6 days. **Gross:** $4,500. (Average for 7 days, $5,500.)

"DOCTOR BULL" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

"VARMLANNINGARNA" (State Rights)
WORLD—(400), 25c-75c, 7 days. **Gross:** $1,200. (Average, $1,200.)

St. Paul:

Estimated takings for the week ending Sept. 29:

"DOCTOR BULL" (Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000.)

"TURN BACK THE CLOCK" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

"TARZAN, THE FEARLESS" (Principal)
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $3,500. (Average, $4,000.)

"PILGRIMAGE" (Fox)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800.)

"GOODBYE AGAIN" (F. N.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $600. (Average, $700.)

"Dr. Bull" Holds Up, Indianapolis

INDIANAPOLIS, Oct. 5.—"Doctor Bull," in its second week at the Apollo, was the only draw in town last week. It reached $3,000, up by $500.

"Beauty for Sale" made an average $4,500 at the Palace. Both "Lady for a Day" and "Morning Glory" were off at the Circle and Indiana, respectively.

Total for the four first runs was $18,500. Average is $20,500.

Estimated takings for the week ending Sept. 29:

"DOCTOR BULL" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500.)

"LADY FOR A DAY" (Col.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,500.)

"MORNING GLORY" (Radio)
INDIANA—(3,300), 25c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $10,000.)

"BEAUTY FOR SALE" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500.)

West Film Opens Big

CHICAGO, Oct. 5.—Mae West's "I'm No Angel" had its world premiere in this city at the Oriental, playing to heavy business. In the first three hours $4,800 was taken in at the box office.

"Lady," Show Get $29,500, Chicago Lead

CHICAGO, Oct. 5.—"Lady for a Day" on the screen with Lou Holtz heading the stage bill was the strongest attraction in the Loop last week and gave the RKO Palace a fine $29,500. Indicating the important part played by the Columbia vehicle in the week's business is the fact that it was spotted into the B. & K. McVickers for a second week.

B. & K.'s Chicago was down from the previous week with "I Loved A Woman" and a stage bill including Duke Ellington and Sally Rand. The take was $47,000.

"Bureau of Missing Persons" was good for 10 days at McVickers, showing plenty of pulling power, with $16,000 in the till.

Total first run business was $122,500. Average is $120,600.

Estimated takings:

Week Ending Sept. 26:

"PADDY, THE NEXT BEST THING" (Fox)
UNITED ARTISTS — (1,700), 30c-40c-60c, 3rd week, 7 days. **Gross:** $9,500. (Average, $17,000.)

"BUREAU OF MISSING PERSONS" (F. N.)
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $16,000. (Average, $13,000.)

Week Ending Sept. 27:

"TUGBOAT ANNIE" (M-G-M)
ORIENTAL—(3,940), 30c-40c-60c, 5th week, 7 days. **Gross:** $11,000. (Average, $23,000.)

Week Ending Sept. 28:

"I LOVED A WOMAN" (F. N.)
CHICAGO—(4,000), 35c-50c-68c, 7 days, Duke Ellington & Band, Sally Rand and others on stage. **Gross:** $47,000. (Average, $34,600.)

"LADY FOR A DAY" (Col.)
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Lou Holtz, H. Leopold Shawowsky, Mitzi Mayfair, Lillian Shade. **Gross:** $29,500. (Average, $22,000.)

Week Ending Sept. 29:

"SHANGHAI MADNESS" (Fox)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $9,500. (Average, $11,000.)

Dual Bill Is Top In Omaha, $5,850

OMAHA, Oct. 5.—With mediocre film fare all over town, only one first run house pulled an average gross. A dual bill at the World of "Turn Back the Clock" and "Brief Moment" turned the trick for $5,850. Business held up nicely all week, but not so in the other spots.

At the Orpheum "I Loved a Woman," along with "Sleepless Nights," opened questionably and slumped over the week end. Gate for the week was way low at $6,500.

"The Power and the Glory" at the Paramount took about $6,750.

Total first run business was $19,100. Average is $20,600.

Estimated takings for the week ending Sept. 30:

"I LOVED A WOMAN" (Warners)
"SLEEPLESS NIGHTS" (Remington)
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $7,250.)

"THE POWER AND THE GLORY" (Fox)
PARAMOUNT—(2,900), 25c-30c-35c-50c, 7 days. **Gross:** $6,750. (Average, $7,500.)

"TURN BACK THE CLOCK" (M-G-M)
WORLD—(2,500), 25c-35c, 7 days. **Gross:** $5,850. (Average, $5,850.)

Not So Exclusive

Buffalo, Oct. 5.—"Not to be shown elsewhere in Buffalo" in large type and "for at least 30 days" in infinitesimal type is being used in Lafayette theatre advertising on Columbia and Universal pictures.

Philadelphia Tips "Power" $19,000 High

PHILADELPHIA, Oct. 5.—"The Power and the Glory" went to $19,000 at the Fox last week, $3,000 over normal, but the management decided against holding it a second week.

"Bitter Sweet" was a disappointment. It took $4,800 in five and one half days at the Aldine and was yanked at 6 o'clock to make room for "Emperor Jones."

Total first run business was $87,300. Average is $82,515.

Estimated takings for the week ending Sept. 28:

"BITTER SWEET" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 5½ days. **Gross:** $4,800. (Average, for 6 days, $7,000.)

"MIDNIGHT CLUB" (Para.)
(2nd Run)
ARCADIA—(600), 25c-40c,50c, 6 days. **Gross:** $2,000. (Average, $2,400.)

"PENTHOUSE" (M-G-M)
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,500. (Average, $12,000.)

"HER FIRST MATE" (Univ.)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Thurston. **Gross:** $13,500. (Average, $12,000.)

"POWER AND THE GLORY" (Fox)
FOX—(3,000), 40c-55c-75c, 6 days. Stage: Gus Van, York and King, Jack Starnes and Co., Ray Huling and Seal. **Gross:** $19,000. (Average, $16,000.)

"SECRET OF THE BLUE ROOM" (Univ.)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,000. (Average, $3,500.)

"PADDY, THE NEXT BEST THING" (Fox)
(2nd run)
KEITH'S—(2,000), 25c-30c-40c, 6 days. **Gross:** $5,500. (Average, $5,500.)

"ONE MAN'S JOURNEY" (Radio)
STANLEY—(3,700), 40c-55c-75c, 6 days. Stage: Barbara Stanwyck, Herb Williams, Cass, Mack and Dwen. **Gross:** $21,000. (Average, $16,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)
STANTON—(1,700), 30c-40c-55c, 8 days. **Gross:** $8,000. (Average for 6 days, $7,000.)

Weekly Car Tickets Hit K. C. Suburbans

KANSAS CITY, Oct. 5.—Suburban theatres here are complaining that a weekly pass arrangement on street car and bus lines is hurting their business while downtown theatres are helped. Passes sell for $1 and are good for unlimited transportation during one week, as against the straight fare of a dime. Using the pass, patrons travel downtown for entertainment without extra expense, and the street car company is plugging this feature in advertising as well as screen tieups with downtown theatres. The matter has been discussed by the Independent Theatre Owners' Ass'n, but no official action has been taken.

U. A. May Take House

DETROIT, Oct. 5.—Reports are in circulation here that United Artists will take over the U. A. Theatre here with the showing of "The Bowery."

"Maedchen" Gets $5,500 In Cleveland

CLEVELAND, Oct. 5.—Contrary to expectations, "Maedchen In Uniform," spotted into the Hanna, a legitimate house, went to $5,500 last week and was held for a second week.

"Too Much Harmony" took $6,500 at the State, but this was said to be disappointing, despite the fact that it was $500 over par. "The Power and the Glory" was good for $6,200 at the RKO Palace. This was $200 up.

Even with the help of a vaudeville program headed by Buster Keaton, Evelyn Brent and Harry Fox, "F. P. 1" took only $10,000 at the Hippodrome, under normal by $4,000.

Total first run business was $33,500. Average is $36,500.

Estimated takings for the week ending Sept. 29:

"LADIES MUST LOVE" (Univ.)
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,000. (Average, $3,000.)

"F. P. I." (Fox)
HIPPODROME—(3,800), 35c-44c-55c, 7 days. Stage: Buster Keaton, Evelyn Brent, Harry Fox, 7 days. **Gross:** $10,000. (Average, $14,000.)

"I LOVED A WOMAN" (F. N.)
WARNERS' LAKE—(800), 30c-35c-44c, 7 days. **Gross:** $3,700. (Average, $3,500.)

"THE POWER AND THE GLORY" (Fox)
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $6,200. (Average, $6,000.)

"TOO MUCH HARMONY" (Para.)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $10,000. (Average, $6,000.)

"BIG EXECUTIVES" (Para.)
"SOLITAIRE MAN" (M-G-M)
STILLMAN—(1,900), 20c-30c—30c-40c, 7 days. **Gross:** $4,100. (Average, $4,000.)

"MAEDCHEN IN UNIFORM" (Krimsky & Cochrane)
HANNA—(1,500), 30c-40c, 7 days. **Gross:** $5,500.

"Singer" $5,500 Draw in Oklahoma

OKLAHOMA CITY, Oct. 5.—The annual state fair and exposition was here last week and helped business. Every first run hit par or better. The Criterion had the best draw, taking $5,500 on "Torch Singer," which is $500 up. This is the first time in three weeks the Criterion has hit par. The Capitol, with "Turn Back The Clock," went $300 above average to $3,300.

The Liberty, with two changes, did an average week's business of $3,000 with "Ladies Must Love" and "The Man Who Dared." The Victoria, a suburban, had two first runs last week and did an average business of $1,200.

Total first run business was $13,000. Average is $11,700.

Estimated takings for the week ending Sept. 30:

"TORCH SINGER" (Para.)
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $5,500. (Average, $5,000.)

"TURN BACK THE CLOCK" (M-G-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,300. (Average, $3,000.)

"LADIES MUST LOVE" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,700. (Average week, $3,000.)

"THE MAN WHO DARED" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,300. (Average week, $3,000.)

"TO THE LAST MAN" (Para.)
VICTORIA—(800), 10c-15c-20c-26c, 3 days. **Gross:** $600. (Average week, $1,200.)

"DISGRACED" (Para.)
VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $600. (Average week, $1,200.)

Revamping of Publix Units Gets Approval

(Continued from page 1)

under a special contract in which the trustee reserves the right to buy back Blank's stock under certain conditions.

Hoblitzelle will also be retained as manager of the new corporation formed out of the Interstate Circuit of Dallas. He will make a cash payment of $25,000 to help form the new corporation and will receive one-half of the common stock. The trustee will retain the other 50 per cent. Hoblitzelle, in his new contract, is to arrange for the leasing of several theatres in his territory, and it is said that he has already done this.

The Virginia-Tennessee question involved three corporations, the Virginia-Tennessee Corp., of which the bankrupt held all of the common stock, Publix-Virginia and Publix-Newport News, of which the bankrupt held three-quarters of the common stock. Perry is to manage the new corporation, and will receive 49 per cent of the common stock, for which he will pay $10,000. The trustees also reserves the right to buy back the common stock from Perry.

The hearing on the reorganization will continue Oct. 23.

Cooper Gets Relapse; Kahane Takes Reins

HOLLYWOOD, Oct. 5.—With Merian C. Cooper slated to return to the Radio lot next week, the producer suffered a relapse today and is confined in a hospital at Burlingame with a heart ailment. Doctors have ordered a complete rest of three weeks.

B. B. Kahane, having returned from Washington, again denied rumors of Cooper being out and is indignant over reports being circulated to this effect. Kahane has taken over the studio affairs and will rush six pictures into work next week.

Renee Adoree Dead

HOLLYWOOD, Oct. 5.—Renee Adoree died here today in a local sanitarium after an illness extending over several years. She achieved her greatest film fame in "The Big Parade."

New Deal for Roxy Is Seen by Spring

(Continued from page 1)

with Howard S. Cullman, receiver, early in January, the house has steadily been improving from a business standpoint. It was reopened Jan. 22 with "The Death Kiss."

Cullman has about $250,000 in receiver's certificates, which are expected to be satisfied by early next spring. About $3,500,000 is needed to swing the deal for Arthur. The receiver's six months' term ends Dec. 15 and in all probability Cullman will be reappointed. He was continued as receiver on June 15. Operating nut for the house is now around $20,000 a week. Last week the Roxy grossed $24,000 and is headed for $35,000 for the current week. F. & M. Stageshows, Inc., in which Arthur is interested, has been producing the stage attractions since Jan. 22 and the house has had only three or four losing weeks since then.

"Diggers" Argument Ended on 35% Deal

(Continued from page 1)

"Gold Diggers of 1933" is the understanding that exhibitors will not have to pay more than 35 per cent of the gross. The deals also carry no guarantee and are understood to provide that if exhibitors do not break even on the run of the musical the 35 per cent term will be readjusted accordingly.

In making deals for the picture, exhibitors do not have to include the 59 other Warner-First National films. Also, the exhibitor does not have to take "Gold Diggers" with the other product. Warners also have the right to either sell the musical independently of the other 59 pictures or include it. The company has been selling the picture on a 50-50 basis in a number of spots.

Fox and Rex Bell in Deal; Wife May Quit

HOLLYWOOD, Oct. 5.—Fox Studios and Rex Bell are trying to get together on a deal calling for the cowboy-actor to appear in a series of action pictures.

It is also reported on reliable authority that his wife, Clara Bow, is definitely through with pictures and will retire from the screen permanently with the completion of her current Fox film, "Hoopla."

Attention to Picture Producers!

COLONEL F. MAYBOHM

and his

RUSSIAN REVELS 1933-34

Available for Short and Feature Pictures

LAST WEEK PALACE, N. Y. C. THIS WEEK EARLE, PHILADELPHIA

with RKO, BOSTON AND PROVIDENCE to follow

—Personal Direction—

MURREL-HODGDON OFFICE, 137 WEST 48th STREET, NEW YORK

Just Collects Taxes

Cincinnati, Oct. 5.—Carlos A. Harrison, manager of Keith's, says a movie house used to be a place where you sold tickets in the hope of making a profit. Now it is merely a tax-collecting agency.

Simon Is Upheld in Fight With Webers

The Simon Agency has been upheld by the board of arbitration of the Artists' Representatives' Ass'n in its allegation that Harry and Herman Weber, who sold out their interest in the firm of Weber & Simon last December, were soliciting acts on its list and trying to book them with the RKO circuit. Among the players involved were said to have been Hobart Bosworth, Estelle Taylor and Moran & Mack.

The arbitration board's ruling is that all acts on the list of the Weber & Simon firm at the time of the split-up shall continue to be represented by the Simon Agency for RKO "until such time as a written release is issued to any of them." The board forbids the Weber brothers from soliciting any of these acts.

The ruling was made known in a letter to the Simon Agency signed by M. H. Rose, chairman, and N. E. Manwaring, secretary of the board of arbitration of the Artists' Representatives' Ass'n.

House at Hamilton Now Extends Credit

HAMILTON, O., Oct. 5.—Employes of local industries, who occasionally over-extend themselves between pay days, are not obliged to give up their movies at the Rialto by reason of depleted finances.

Manager John A. Schwalm removes this handicap by extending credit for admissions to a reasonable extent upon the patron's promise to pay.

"They invariably call and settle up when the next pay day rolls around," Schwalm says.

'Three Pigs' Big in L. A.

LOS ANGELES, Oct. 5.—Present popularity for booking dates on "Three Little Pigs" bids fair to exceed the demand of "She Done Him Wrong," at least in Los Angeles territory. There are at present twelve prints on hand for this territory with return engagements or extended runs surpassing six play dates and the surface of demand has just been scratched. Showmen attribute the success of this particular cartoon to the thematic music and words of "The Big Bad Wolf," which has been popularized over the air to such an extent that it is becoming a force of habit with most everyone to either hum, whistle or sing the song, and you can't get away from associating the song with "Three Little Pigs."

Warner Feting Officials

HOLLYWOOD, Oct. 5.—Harry Warner will entertain 500 national, state, county and city officials Friday at a luncheon at the Warner-First National Studios in honor of the Congressional Naval Affairs Committee.

Actors Take Over Charter Of the Guild

HOLLYWOOD, Oct. 5.—Actors who have seceded from the Academy have decided to take over the charter of the Actors' Guild, which is affiliated with the Writers' Guild. Present guild officers resigned last night to make way for new officers, who are as follows:

President, Eddie Cantor; first vice-president, Adolphe Menjou; second vice-president, Fredric March; third vice-president, Ann Harding; secretary, Kenneth Thompson; assistant secretary, Morgan Wallace; treasurer, Groucho Marx; assistant treasurer, Lucille Gleason. All of these and the following constitute the board of directors: Ralph Bellamy, Boris Karloff, Claude King, Robert Montgomery, Frank and Ralph Morgan, Chester Morris, Ivan Simpson, Spencer Tracy.

The advisory committee includes; George Bancroft, Charles Butterworth, Gary Cooper, Miriam Hopkins, Otto Kruger, Alan Mowbray, Paul Muni, George Raft, Lee Tracy, Warren William, Jeanette MacDonald, Frank Conroy, Isabel Jewell, Aubrey Smith, James Gleason and James Dunn.

The new organization decided to permit all classes of actors to join. It aims to be as strong in the screen field as Equity is in the stage.

Whether Equity will grant a franchise with local autonomy remains to be seen, though it is strongly hinted as a possibility. A general mass meeting for actors is to be held Sunday night. The aims of the organization will be discussed and a membership drive will be started.

Ohio Censors Ease Up on "Baby Face"

COLUMBUS, Oct. 5.—"Baby Face," which the censors barred from Ohio a few months ago after having deleted certain portions in the hope of passing the picture, and which Beverly O. Skinner, censor chief, declared would be barred from Ohio forever, now has been released and will be shown in several situations where it was originally set in when the censors turned thumbs down.

What caused the censors' change of heart, or to what extent the film has been scissored, is not known at the moment.

Discuss Distribution Of Educational Films

GENEVA, Oct. 5.—Discussions on distribution of educational films and the removal of duties and other restrictions tending to impede world distribution highlighted an international conference here today.

Columbia Signs Friml

HOLLYWOOD, Oct. 5.—Rudolf Friml has been engaged by Columbia to write the book and score for the Grace Moore picture to be produced as "The Love Child." Vincent Perrara, husband of the operatic star, will play opposite his wife.

Universal's New Deal!

UNITED THEATRES of CALIFORNIA

Including Golden State Theatres Corp., T. & D. Jr., Theatre Circuit, San Francisco Theatres, Inc.

(Eugene Emmick, M. Naify, R. A. McNeil, Sam Levin)

sign for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

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***Thanks*, Messrs. Emmick, Naify, McNeil, and Levin for your confidence in Universal Pictures. We will do our part.**

Aimee's Week On Broadway Dismal Flop

One of the outstanding developments of last week on Broadway was the flop of Aimee Semple McPherson at the Capitol. With the evangelist on the stage and "The Solitaire Man" on the screen, the take fell off to $28,-569. The previous week, with "Beauty for Sale" on the screen and a varied stage show, the gross was $39,000.

"My Weakness" at the RKO Music Hall was an outstanding hit. It went to $87,116 for the week, topping the mark set by "The Power and the Glory" the previous week by $12,595.

The Paramount had a fine week with $57,400 on "Too Much Harmony." "Dinner at Eight" was good for $19,861 in its fifth week at the Astor.

The much-talked-about "Emperor Jones" held up to $22,000 in its second week at the Rivoli. It took $36,-450 the first week.

Estimated takings:

Week Ending Sept. 27:

"BERKELEY SQUARE" (Fox)
GAIETY—(808), 55c-$1.65, 2nd week, 7 days. **Gross:** $9,500.

"WILD BOYS OF THE ROAD" (F.N.)
HOLLYWOOD—(1,545), 25c-85c, 7 days. **Gross:** $11,445.

"MY WEAKNESS" (Fox)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $87,116.

"I LOVED A WOMAN" (Warners)
STRAND—(2,900), 25c-85c, 7 days. **Gross:** $28,569.

Week Ending Sept. 28:

"SOLITAIRE MAN" (M-G-M)
CAPITOL—(4,700), 35c-$1.65. Stage show: Aimee McPherson and others. **Gross:** $21,210.

"LADY FOR A DAY" (Col.)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $11,300.

"TOO MUCH HARMONY" (Para.)
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage show. **Gross:** $57,400.

"SHANGHAI MADNESS" (Fox)
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross: $24,000.**

Week Ending Sept. 29:

"S. O. S. ICEBERG" (Univ.)
CRITERION—(850), 55c-$1.65, 7 days. **Gross:** $7,850.

"LADY FOR A DAY" (Col.)—4 days
"THREE-CORNERED MOON (Para.) 3 days
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $12,831.

"THUNDER OVER MEXICO" (Principal)
RIALTO—(2,200), 40c-65c, 7 days. **Gross:** $17,000.

Week Ending Oct. 1:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$1.65, 5th week, 7 days. **Gross:** $19,861.

"DEVIL'S MATE" (Monogram)
MAYFAIR — (2,300), 35c-85c, 10 days. **Gross:** $12,000.

Week Ending Oct. 3:

"EMPEROR JONES" (U. A.)
RIVOLI—(2,200), 40c-85c, 2nd week, 7 days. **Gross:** $22,000.

Operator Heads Union

GRAND ISLAND, Neb., Oct. 5.—Roy M. Brewer, newly elected president of the Nebraska State Federation of Labor, is a member of the IATSE operators' local of Grand Island. He has been active several years in local and state union circles.

Hoehle Goes to Pitt

PITTSBURGH, Oct. 5. — Harry Hoehle, for a long time musical director at the Penn, has been named to a similar post at the Pitt, which opened last week under a combined picture and vaudeville policy.

'Twas Hot—Also Wet

Tampa, Oct. 5.—The Central, leading colored theatre here, had a booth fire. The film in the upper magazine of one of the projectors caught, and the heat set off the sprinkler system, giving the customers a free shower bath.

It was a hot night anyhow, and then the code had not as yet prohibited the giving of premiums, so the stunt went over big. In fact the audience seemed to enter into the spirit of the thing and had a good laugh about it as it scurried through the exits. Frank Young manager, says: "Nobody put up a squawk or asked for a pressing club ducat."

The loss to the theatre was slight. The final check up showed very little damage to the projector. Of course the film was destroyed and the theatre needed a good scrubbing.

"Harmony" Is $23,000 Wow On the Coast

LOS ANGELES, Oct. 5.—"Too Much Harmony" put the Paramount on easy street last week with a gross of $23,-000, above normal by $5,000. Roscoe Ates on the stage helped.

"Doctor Bull" was also a strong draw at Loew's State, where it took $16,900, above normal by $2,900. "Dinner at Eight" held up to $17,197 in its fourth week at Grauman's Chinese.

"Lady for a Day" was something of a disappointment at $8,800 at the RKO. "Gold Diggers" demonstrated that time hasn't impaired its drawing power by pulling $13,000 at Warners' Downtown, second run.

Total first run business was $103,-922. Average is $80,000, without the Filmarte, Criterion, Los Angeles and Orpheum.

Estimated takings for the week ending Oct. 4:

"DINNER AT EIGHT" (M-G-M)
CHINESE—(2,500), 50c-$1.65, 7 days, 4th week, Sid Grauman prologue. **Gross:** $17,197. (Average, $14,000.)

"DOCTOR BULL" (Fox)
LOEW'S STATE—(2,415), 25c-55c, 7 days. Ed Lowry and his band, stage show. **Gross:** $16,900. (Average, $14,000.)

"TOO MUCH HARMONY" (Para.)
PARAMOUNT—(3,598), 25c-55c, 7 days. Rosco Ates on the stage, stage show. **Gross:** $23,000. (Average, $18,000.)

"LADY FOR A DAY" (Col.)
RKO—(2,700), 25c-40c, 7 days. **Gross:** $8,800. (Average, $8,000.)

"GOLD DIGGERS OF 1933" (Warners) (Second Run)
WARNER BROS. (Hollywood)—(5,000), 25c-55c, 7 days. Teddy Joyce and his orchestra, stage show. **Gross:** $14,500. (Average, $14,000.)

"GOLD DIGGERS OF 1933" (Warners) (Second Run)
WARNER BROS (Downtown—(3,400), 25c-55c, 7 days. Herman Heller and his band, stage show. **Gross:** $13,000. (Aver age, $12,000.)

"RED HEAD" (H. Bregstein)
FILMARTE THEATRE—(890), 40c-50c, 3rd wk., 7 days. **Gross** $3,200.

"THE MASQUERADER" (U.A.)
CRITERION—(1,610), 25c-55c, 6th wk., 7 days. Stage show. **Gross:** $1,850.

"CARNIVAL LADY" (State Rights)
"SOUTH OF PANAMA" (State Rights)
LOS ANGELES THEATRE—(3,000), 15c-25c, 7 days. **Gross:** $3,975.

"INDIA SPEAKS" (Radio)
"LADIES MUST LOVE" (Univ.)
ORPHEUM THEATRE—(2,200), 25c-35c, 7 days. 10 acts vaudeville. **Gross:** $3,350.

Take Spokane House

SPOKANE, Oct. 5.—The American has been taken over by Arthur O'Neil and W. L. Evans, both of Portland, on a three-year lease. It will be renamed the Post Street, remodeled and re-equipped.

"Penthouse" Leads Pickup In Pittsburgh

PITTSBURGH, Oct. 5.—Business all over town last week hit a new peak for the fall season, with the general take going considerably beyond average right down the line.

Leading the town by a wide margin was "Penthouse" at the Penn, where, helped by generous space in the Hearst paper and good notices, it did $16,000, the best figure here in some time. Next in line was "One Sunday Afternoon" at the Warner, at $6,300.

"Torch Singer" maintained a steady pace at the Stanley, gathering $10,000, while "Shanghai Madness" fell away at the Fulton, after a great start, to $4,500. Even that is above average, however. The Davis picked up a bit with "Ladies Must Love" to $2,200, although that is not profitable and the house may soon switch to second runs, possibly on a split week.

A new first run site was added to the downtown sector last week when the Pitt opened as a combination vaudeville and picture house.

Total for the five first runs was $40,000. Average is $33,500.

Estimated takings for the week ending Sept. 28:

LADIES MUST LOVE" (Univ.)
DAVIS—(1,700), 25c-40c, 6 days. **Gross:** $2,200. (Average, $2,500.)

"SHANGHAI MADNESS" (Fox)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $4,500. (Average, $4,000.)

"PENTHOUSE" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $16,000. (Average, $12,000.)

"TORCH SINGER" (Para.)
STANLEY — (3,600), 25c-50c, 6 days. **Gross:** $10,000. (Average, $9,000.)

"ONE SUNDAY AFTERNOON" (Para.)
WARNER — (2,000), 25c-50c, 6 days. **Gross:** $6,300. (Average, $5,000.)

Stock to Start in N. O.

NEW ORLEANS, Oct. 5.—Gus Coats, former manager of the Saenger, is opening a dramatic stock company of 12 people at the Palace, a former RKO house, which has been closed for the past three or four years. Arthur Holman is the producer and will open Oct. 8, with a 50-cent top.

Renew Union Contracts

PONCA CITY, Okla., Oct. 5.—The local operators' union has renewed contracts for two years here with the Poncan, Murray and Roxy Theatres.

At Enid the four Griffith houses continue to operate with non-union stage hands and operators.

Denver Takes Pile Up New Season Highs

DENVER, Oct. 5.—Packed houses continue in first runs with stage shows, although the films must be given credit for exceptional drawing power. "Three-Cornered Moon" packed them in repeatedly at the Denham. The $10,500 take was $7,000 over average.

"I Loved a Woman" kept crowds going to the Orpheum. The gross reached $12,000, above normal by $5,000. Both houses increased prices two weeks ago, but the only effect was to increase the gross.

"Doctor Bull" and "Bitter Sweet" turned in average weeks for their houses, while "Disgraced" and "Midnight Mary," on a split week, let the Paramount down below average. The Tabor, with a stage show and "Double Harness" on second run, did $3,800, $300 better than average.

Total first run business was $34,500. Average is $23,000.

Estimated takings for the week ending Sept. 28:

"BITTER SWEET" (U. A.)
ALADDIN—(1,500), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,000.)

"THREE-CORNERED MOON" (Para.)
DENHAM—(1,500), 25c30c-40c 7E days. Stage show. **Gross:** $10,500. (Average, $3,500.

"DR. BULL" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"I LOVED A WOMAN" (F. N.)
ORPHEUM—(2,600), 35c-40c-55c, 7 days. Stage show. **Gross:** $12,000. (Average, $7,000.)

"DISGRACED" (Para.)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $1,200.

"MIDNIGHT MARY" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,800. (Average for week, $3,500.)

"Cord" and Show $11,800, Buffalo

BUFFALO, Oct. 5.—"The Silver Cord," helped by a strong vaudeville show, hit $11,800, over normal by $1,800, at the Great Lakes last week.

"Morning Glory," also with a vaudeville show, was good for $16,000, up by $1,000, at the Buffalo. "Voltaire" and "Midnight Mary" were strong at the Hippodrome and Century.

Total first run business was $47,500. Normal is $44,300.

Estimated takings for the week ending Sept. 29:

"MORNING GLORY" (Radio)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Hal LeRoy, Eddie Garr, Vivian Janis, Grace DuFaye, Raymond Baird. **Gross:** $16,000. (Average, $15,000.)

"MIDNIGHT MARY" (M-G-M)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,500. (Average, $6,5000.)

"THE SILVER CORD" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days. Stage: Joe Browning, Sybil Bowan, Chester Fredericks & Co., Balabanow Accordion Five, Collette Lyons & George Snyder, Irene Vedmillion & Three Beverly Sisters, Bee Jung & Marie, Petit & Douglas. **Gross:** $11,800. (Average, $10,000.)

"VOLTAIRE" (Warners)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,900. (Average, $6,000.)

"THE OUTSIDER" (M-G-M)
HOLLYWOOD—(300), 25c-40c, 7 days. **Gross:** $500. (Average, $800.)

"BRIEF MOMENT" (Columbia)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,800. (Average, $6,500.)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Look for Finished Code By Wednesday at Latest

Straight 10% Cancellation Is Conceded

Rosenblatt Gains Point From Distributors

WASHINGTON, Oct. 6.—A straight 10 per cent cancellation privilege on pictures which average $250 or less with no strings attached, has been dangled for exhibitors from distributors by Rosenblatt.

"It was a tough job," he said smilingly as he made the announcement late this afternoon.

This looks like a compromise between the stand taken by distributors for 15 per cent cancellations in brackets of five and the demands by the M. P. T. O. A. for straight 15 per cent eliminations with no portion of rentals kicking back to distributors. Allied, at the New York code conference, is understood to have moved for a straight 20 per cent concession. Asked specifically if the 10 per cent privilege meant a partial rebate on rentals to distributors, Rosenblatt repeated that the cancellation was flat

(*Continued on page 3*)

Actors Summon Big Meeting for Guild

HOLLYWOOD, Oct. 6.—A mass meeting open to every actor in Hollywood has been called by the Actors' Guild for Sunday night at the El Capitan. Organizers of the Guild believe that after they have made their plans known every actor will want to join forces with the new organization, and have called the mass meeting with that in mind.

Strikes Hit Houses In Pittsburgh Area

PITTSBURGH, Oct. 6.—Business in the territory immediately surrounding Pittsburgh has been given a terrific jolt in the last couple of weeks by the spread of industrial strikes. Coal miners and steel workers have refused to abide by the code, holding out for recognition of their own unions, with the result that around 15,000 men in

(*Continued on page 4*)

Pantages Acquires Orpheum, Portland

PORTLAND, Oct. 6.—Interests close to Alexander Pantages today acquired the RKO Orpheum for incorporation in his new Pacific circuit. This was the second house he acquired when he started his first circuit 20 years ago.

Code Workers Worry About Home Critics

WASHINGTON, Oct. 6. — Having worked day and night for weeks, many exhibitors leaders here are concerned as to how members of their respective organizations will view the final terms of the industry code.

To observers it seems safe to assume the general exhibitor body in the field has little or no idea how gruelling has been the routine their appointed delegates have been experiencing from the day that code formulation started in New York on

(*Continued on page 3*)

Missouri Governor Leaves Taxes Open

JEFFERSON CITY, Mo., Oct. 6.—Without specifically recommending a general sales tax, which he is known to favor, Governor Guy B. Park, in his official proclamation calling a special session of the Missouri legisla-

(*Continued on page 4*)

Federal Ban Upon Strikes To Be Sought

WASHINGTON, Oct. 6.—A move will be made to outlaw strikes by Federal statute when Congress convenes in January, MOTION PICTURE DAILY learned tonight.

Designed for incorporation in the contemplated law will be a provision requiring that all labor disputes be handled locally and if no agreement is reached the controversy will be passed on to the National Labor Board, the findings of which will be binding on labor and employer alike.

(*Continued on page 3*)

Cameramen's Kicks Reach Rosenblatt

WASHINGTON, Oct. 6.—Cameramen are dissatisfied with the NRA code provision which stipulates that they cannot be relieved of their duties while a picture is in production and be replaced by other cameramen, Deputy

(*Continued on page 3*)

Balance of Power Is Shifted On Zone Board Membership

WASHINGTON, Oct. 6.—More evenly distributed balance of power between affiliated and independent theatres on the proposed local grievance boards, as well as on the proposed local clearance and zoning boards, was assured today when Deputy NRA Administrator Sol A. Rosenblatt declared that the NRA code proposals covering the personnel of each type of board had been clarified for that purpose.

The code, as now drawn, merely stipulates that each grievance board shall consist of two representatives of major distributors and two representatives of exhibitors and draws no line covering their affiliations. As revised, one distributor member is to be drawn from the ranks of affiliated distributors and one from the ranks of distributors not engaged in exhibition. Likewise, one exhibitor member is to be drawn from the ranks of affiliated theatre men and one is to be entirely independent. The fifth member, who is impartial, undergoes no change in status.

The addition of the word "independent" makes a vital difference in the contemplated setup of the clearance and zoning boards. The code now defines their personnel as being composed of two distributors, one of them affiliated and one not, plus two first run exhibitors, one of them affiliated and one not, and also two subsequent run exhibitors. The all-important word goes before "subsequent," making it compulsory for subsequent run exhibitors to be independent and entirely free of affiliation with any producer or distributor.

This Is Rosenblatt's Aim Now—Insurgents Swinging Back

By RED KANN

WASHINGTON, Oct. 6.—No radical changes in the NRA code are anticipated, and by Wednesday of next week, perhaps earlier, the code will be completed and delivered to the Recovery Administration for the usual study and approval prior to submission to the President for the signature that will make it a law.

This is what Deputy NRA Administrator Sol A. Rosenblatt anticipates will be the course of the document which has precipitated so much argument and so many sleepless nights, and this is the procedure on which he is mapping his plans.

The split that was brewing Wednesday night and which broke into the open on Thursday began to recede into the background when a committee composed of Louis F. Blumenthal, Nathan Yamins, W. Ray Johnston, and Calvin Bard, representing the independent producers, distributors and exhibitors who pulled out of the party on the ground that the code as drawn offered little or no

(*Continued on page 3*)

May Revise Clause On Standard Pacts

WASHINGTON, Oct. 6.—The provision in the NRA code that the optional standard license agreement is to prevail is apt to undergo revision along with other proposed clauses.

Analysts here are questioning whether distributors would have the right to write in rider clauses such as the one now existing with some distributors whereby they agree to sell their product only to those exhibitors who agree not to couple it

(*Continued on page 3*)

Article 10 to Be Completed Today

WASHINGTON, Oct. 6.—The deadline on Article 10 of the producers' code, which MOTION PICTURE DAILY has stated will include a salary-fixing commission, is Saturday afternoon. When submitted, according to Deputy

(*Continued on page 3*)

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WE DO OUR PART

Blame Labor in Bombing

PROVIDENCE, Oct. 6.—Labor trouble of three years' standing is blamed for the bombing of the marquee of the Hollywood, East Providence, which made a partial wreck of the building. Damage is estimated by Manager Samuel Bomes at $5,000. The blast, which shattered windows in the town hall nearby, was heard for miles. It was timed to take place early in the morning, several hours after the last of the patrons had left.

West Big Chicago Draw

CHICAGO, Oct. 6.—Mae West may be no angel in her latest, "I'm No Angel," but she's an angel to the Oriental box-office this week, according to the management.

From 6 o'clock to closing on opening night, Tuesday, the take was $4,800. On Wednesday, the first full day, it was $7,200, and on the second full day, Thursday, it reached $7,100.

Wiley Joins Para. Staff

HOLLYWOOD, Oct. 6.—Wilbur Wiley, formerly of the *Denver Post* and later of the *Hollywood Citizen-News*, has joined the Paramount publicity department, replacing Len Boyd, who is in a hospital recuperating from wounds received during the war.

Kraska Goes to Canton

CANTON, Oct. 6.—George Kraska has been transferred here from Boston to take charge of Loew's. He succeeds Adolph Buehrig, Jr., who has been called to New York pending another assignment.

Kraska has been manager of Loew's Fine Arts, at Boston, for the past three years.

Grant Sally Rand Appeal

CHICAGO, Oct. 6.—Judge Joseph H. McGarry has granted Sally Rand's attorney the privilege of appealing from a $200 fine and a year's jail term.

Looking 'Em Over

"Charlie Chan's Greatest Case"

(*Fox*)

What is perhaps the greatest surprise in this addition to the Charlie Chan mystery series is the disclosure that Chan is the head of a populous family of Americanized Chinese offspring of all sizes and ages, and that, in the event he is not successful in solving the double murder with which he is here concerned, he will be obliged to go back to the laundry business in order to support the brood. Which, moreover, is probably the explanation of why this particular case is Chan's "greatest."

The story and the unravelling of the murder mystery involved follows the accepted formula in attributing possible motives for the murders to a number of persons and achieving the denouement by a ruse performed in the presence of all the suspects and calculated to cause the guilty one, who, incidentally, is the one designed to be the least suspected, to incriminate himself by duplicating evidence associated with the crime. Needless to say, Chan is not obliged at the conclusion to return to the laundry business.

The story is engagingly performed and manages to hold the interest. In addition to Warner Oland, the cast includes Heather Angel, John Warburton, Virginia Cherrill and Robert Warwick.

"The Torch Singer"

(*Paramount*)

Claudette Colbert is seemingly miscast as a torch singer in this melodrama which is only fair entertainment. Ricardo Cortez tries hard to carry the picture but fails. Baby LeRoy, shown in a short sequence, got over great with a Paramount audience yesterday.

Left on her own when David Manners departs for China, Miss Colbert finds that having a baby with no one to pay for the hospital and no one to support the infant is tough sledding. After she gives birth to a girl, the heroine seeks to get the father's parents to take the burden off her hands, but his mother refuses. She gives the girl to a children's society and gets herself a job as a singer in a cheap eatery, which ultimately leads to bigger and better things. She also becomes a star over the radio through Cortez in a role as Aunt Jenny. After five years, Manners returns, looks for her and when he finally finds her, she refuses to have anything to do with him. However, later he locates the baby and takes charge of her. When Miss Colbert realizes the child's father means to take up his responsibility both to her and the baby, she decides to forget the past and bury the hatchet.

Makes Mexican Tieup

MEXICO CITY, Oct. 6.—Ambrose Dowling, in charge of sales for RKO Export Corp., has just effected a tieup with Station XEW, one of the largest in Mexico and Central America, to broadcast Radio pictures news once a week.

Levy Closes with B. & K.

Jules Levy, RKO general sales manager, has closed a deal with B. & K. in Chicago for showing of the company's entire 1933-34 list in 36 de luxe spots.

Capitol Releases Set

Capitol releases set by Major Bowes for October and November include: "Night Flight," "The Chief," "Christopher Bean," "Prizefighter and the Lady" and "The Cat and the Fiddle."

Claim "Footlight" Record

Warners claim a new record for "Footlight Parade" at the Strand. The first full day's business was $8,907, with 17,213 paid admissions. This tops "Gold Diggers," it is claimed.

Warner Pfd. Makes 3-Point Rally

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24⅛	24	24	— ½	100
Consolidated Film Industries	3¼	3¼	3¼	.....	100
Consolidated Film Industries, pfd	9¼	9¼	9⅛	— ⅛	200
Eastman Kodak	79¾	79	79¾	.....	200
Fox Film "A"	16½	16	16	— ⅛	800
Loew's, Inc.	33¾	30⅝	32	—1¼	2,300
Paramount Publix	1½	1⅜	1⅜	— ⅛	400
Pathe Exchange	1½	1¼	1¼	— ¼	700
Pathe Exchange "A"	9	8⅝	8¾	— ⅛	600
Warner Bros.	8⅛	7½	7⅞	— ⅛	6,600
Warner Bros., pfd	24½	23⅛	24½	+3	100

Technicolor Up ¾ in Quiet Market

	High	Low	Close	Net Change	Sales
Sentry Safety Control	¼	¼	¼	.....	100
Technicolor	10¾	10¼	10¾	+ ¾	3,000

Pathe Bonds in 5-Point Rise

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5⅛	5⅛	5⅛	— ⅛	5
General Theatre Equipment 6s '40, ctf	4¼	4¼	4¼	+ ¼	2
Keith B. F. 6s '46	45½	45	45	.....	1
Paramount Broadway 5½s '51	33	33	33	+1½	2
Paramount F. L. 6s '47	31½	30½	30½	— ½	16
Paramount Publix 5½s '50	31⅛	31	31⅛	+ ⅝	4
Pathe 7s '37, ww	80	80	80	+5	3
Warner Bros. 6s '39, wd	46½	45	45	—1⅛	35

"The Mad Game"

(*Fox*)

Hollywood, Oct. 6.—This is an important program release, translating front-page kidnapping reports into virile drama. The film, distinctly anti-kidnapping and approved by the Hays organization, should give the live exhibitor a chance to cash in on the publicity now appearing throughout the country. Spencer Tracy gives an outstanding performance as a gangster turning the tables on the snatch racket boys. The real showman is apt to clean up with this one.

SHAPIRO

Purely Personal

"PAT" DONAHUE, formerly with Paramount, is the new script girl and general secretary to Educational at the Astoria Studios.

FRANCES DRAKE, American actress, who has been appearing on the English stage and screen for the past two years, is en route to Hollywood under Paramount contract.

ERNEST TRUEX has been signed by Educational for the first of its series of "Star Comedy Specials" as yet untitled. Work is to start next week at Astoria.

ALINE MACMAHON has postponed her return to the coast until early next month, in order to attend the opening here of "The World Changes."

MARQUIS HENRI DE LA FALAISE DE LA COUDRAYE, husband of CONNIE BENNETT, sails today on the *Lafayette* for a short visit to France.

MAX KUPERSTEIN of the Earle Theatre, Philadelphia, has transferred his family from Boston, where he formerly worked.

COLLEEN MOORE will leave for the coast within two weeks to start work in "Success Story" for Radio under her new contract.

LEE SHUBERT has returned from Washington where he attended the opening of "Her Mask of Wax."

WILLIAM MORRIS, JR., has arrived from the coast after almost a year's absence from New York.

STOOPNAGLE & BUDD have been signed to do an Educational short at the Astoria Studios.

JACK WHITE starts work Tuesday at the Astoria Studios on his second Educational comedy.

RALPH GERVERS is in Pittsburgh on a special exploitation stunt for "Lady for a Day."

RICHY CRAIG, JR., has been signed by SAM SAX for a Vitaphone short.

SYMON GOULD has left New York for Hollywood.

No Radical Changes Is Prediction

Looking for Code Windup On Wednesday

(*Continued from page* 1)

protection to their interests waited on Rosenblatt and asked if he would meet the insurgent interests. Rosenblatt said he would and tonight the meeting was held.

Independents, however, circulated a story of a different calibre during the day. Several of them asserted Rosenblatt had sent out "feelers" for this and actually had sought the meeting. The deputy administrator was queried on these statements and answered them with a couple of cryptic remarks

Rosenblatt's Version

"I am completely indifferent if they come in or not. All have an equal voice here," he said. Later in the day he made a flat denial that he had prompted any intermediary to attempt to heal the breach.

"I never sent for them directly or indirectly and if anyone did so it was without my knowledge or direction," he declared.

After he left the evening meeting Rosenblatt said the group had asked for a definition of certain clauses in the code. He said he had supplied the information, but refused to designate what the clauses in question were. The independents told him they were preparing their stand in writing and proposed submitting their analysis to him, he concluded.

Analysis on Wednesday

At 10:30 this evening a statement issued from the independents, who at the time had continued their meeting after Rosenblatt had left, virtually covered the ground made by Rosenblatt a couple of hours earlier, but pointed out additionally that their contemplated analysis would be ready not later than next Wednesday.

The statement admitted that the conference with Rosenblatt had resulted in clarification of the disputed clauses. Indicating their intention of again participating in the general code parleys, the independents' statement concluded by declaring their committee planned to resume negotiations on labor.

Regardless of their stand, Rosenblatt is proceeding with what now appears to be the final phases of the code. While he is expected to give new attention to the analysis which the independents propose submitting, there is nothing to indicate he will alter his scheduled plan of turning over the final draft of the code to the research, labor, industrial and consumers' boards of the NRA which, under the Administration formula, must scan, study, and perhaps make changes, in the text before it is turned over to Administrator Hugh S. Johnson on its way to the President.

Labor Clauses Near

Rosenblatt stated tonight the exhibitor labor provisions were "almost completed."

Jack Miller, chairman of the committee, expressed himself as being in agreement on this, but individual members of the committee were not so sure. Statements made by Al Friedlander, sales manager of First Division, that the independents were considering flooding the country with 8,000 trailers demanding a government investigation of the industry, drew Rosenblatt's fire and ire when, in reply, he pointed out that Administrator Johnson was empowered to authorize code authority not to supply exhibitors who might run such trailers with product.

Other code developments today brought about clarification in the setup of the proposed grievance-and-clearance-and-zoning boards to divide the balance of power between affiliated and unaffiliated distributors and exhibitors.

A straight 10 per cent cancellation on pictures averaging $250 or less in price was obtained for exhibitors by Rosenblatt, who said the arrangement was to be flat with no strings attached. Changes in the standard optional license agreement clause also loomed as a possibility.

On Saturday Articles 9 and 10 of the producers' code will be ready, according to the deputy administrator, and a meeting to discuss each held.

Code Workers Worry About Home Critics

(*Continued from page* 1)

Aug. 8, through the present third effort to complete a final draft.

Some exhibitor delegates have been carrying on at a direct sacrifice of their own theatre interests. One who was promised two film services important to his operation discovered today that his competition had won out on the deal at home. Others have had no time to buy new product despite the fact that the first five weeks of the new buying season are already gone.

An attitude reflecting the thoughts that are running through the minds of many exhibitor codifiers here might be summed up like this: "The boys at home haven't and won't understand how tough a nut this has been to crack. Regardless of our viewpoints, we are trying to do the best we can. We know we won't get all we ask for, but do exhibitors in the field understant the situation?

"After slaving for weeks on the code it is not pleasant to contemplate the criticism which may be heaped on our heads after we get home. We're afraid this is what's destined to happen."

Richard Dix Improves

HOLLYWOOD, Oct. 6.—The condition of Richard Dix, who has been at his home in Santa Monica with influenza for the past ten days, is greatly improved, although he will not be able to return to Hollywood for another week.

Straight 10% Cancellation Is Conceded

(*Continued from page* 1)

and carried neither compromise nor concession of any kind on the part of the exhibitor.

This is an important change in the NRA code, which originally granted a 15 per cent cancellation, but remaining to be cleared up is what effect this unexpected development will have on the proposal that the standard optional license agreement is to prevail. That agreement contains a distributor cancellation clause of five, five and five.

Rosenblatt was queried on this point and he replied: "I don't know."

The original cancellation proposal drawn by distributors conceded a 15 per cent cancellation privilege on the basis of a first five per cent without payment, the second five with payment of half the contract price and the final five on payment in full.

May Revise Clause On Standard Pacts

(*Continued from page* 1)

with another feature. Independents who still insist the code should specify in writing that each exhibitor can set his own theatre policy without restriction are inclined to believe such riders cannot be included.

Several distributor sources, however, maintain riders such as the above fall into the category of individual company policy and say they will insist the code must so provide. Practically all codifiers agree this particular clause must be more explicit in language and therefore in intent.

Article 10 to Be Completed Today

(*Continued from page* 1)

NRA Administrator Sol A. Rosenblatt, it will be acceptable to producers and NRA alike, although today he continued to refuse to divulge what its provisions will be.

Article 9, which, according to general expectations, will impose the severest of restrictions on agents, is ready, he said, adding he would discuss this Saturday with Ralph Blum, representing many Hollywood agents; Louise Sillcox, representing the Authors' League; Frank Gillmore, representing Actors' Equity, and Lester Cowan, representing the Academy. From producer quarters it was learned that if Article 9 is ready its form is rough and not final.

Article 10 is "still in the fireworks," today Rosenblatt said in declaring the deadline was Saturday.

Federal Ban Upon Strikes To Be Sought

(*Continued from page* 1)

Indicating that this procedure would fit in with the functions of the National Labor Board was a separate development today. This was the appointment to the board of four additional members, making a total of 11, because the board's work was piling up at a rate too heavy for the seven members to handle. The appointments came from President Roosevelt at the request of Senator Robert F. Wagner of New York, who is the board chairman. The appointees are: Edward N. Hurley, Chicago; Austin Finch, Thomasville, N. C.; George L. Berry, president of the Printing Pressmen's Union, and Father Francis Haas, professor at Catholic University here.

Hurley and Finch will be industrial advisors and the other two labor advisors, in order to maintain the balance of the Board's personnel which is divided evenly between employer and employe representatives.

Senator Wagner today expressed the opinion that the activities of the National Labor Board will become an important function of the government and indicated that he planned to have created a number of local boards throughout the country composed of one industrial and one labor advisor and a third disinterested party for adjudication of local labor disputes. The National Labor Board would always be available for appeal from the rulings of the contemplated local boards, Senator Wagner indicated.

In this respect it is interesting to note that the proposed method of handling theatre labor differences under the NRA film code follows along somewhat similar lines, and that labor is expressly prohibited from striking and employers prohibited from declaring lockouts pending determination of any dispute which may arise.

Therefore, if the contemplated law outlawing strikes is passed at the forthcoming Congress session, the existence of local labor boards such as Senator Wagner has indicated he will propose would find machinery in existence all over the country to carry out its purposes.

Cameramen's Kicks Reach Rosenblatt

(*Continued from page* 1)

Administrator Sol A. Rosenblatt declared tonight, inferring at the same time that the provision as now drawn will stand.

This means a victory for producers who argued that changing crews while pictures were in production would impair quality. It was Howard Hurd, representing International Photographers' Local 659, I.A.T.S.E., who asked for fewer hours at correspondingly reduced pay for cameramen at the public hearings here on the code.

Hollywood Personals

Hollywood, Oct. 6

MAE WEST's next picture, "It Ain't No Sin," will have its locale in New Orleans where most of the picture will be filmed.

CHESTER CONKLIN will not appear in "Alice in Wonderland" after all. The role of "The Walrus" in which he was cast has been cut out.

CHARLES ERWIN, WALLACE CLARK, DORIS LLOYD and ALAN MOWBRAY added to the cast of "Long Lost Father" (Radio)

BILL CAGNEY's first screen role will be opposite Ginger Rogers in "Sweet Cheat." William Seiter directs (Radio).

GEORGE BARR BROWN has been added to Sol Wurtzel's publicity staff at the Fox Western Avenue Studio.

ROCHELLE HUDSON goes into the cast of "Odd Thursday" (Fox).

LESLIE BANKS gets a role as heavy in "I Am Suzanne" (Lasky-Fox).

Notables to Flock To Dressler Dinner

Many notables have accepted invitations to serve as an honorary committee in connection with the testimonial dinner to be given for Marie Dressler at the Hotel Roosevelt Tuesday evening. Mrs. Oliver Harriman is chairman and Miss Maida Reed vice-chairman of the committee.

Other members are: Adolph S. Ochs, Frank L. Polk, former Secretary of State; Nicholas M. Schenck, Margaret Sanger, Arthur Loew, Mrs. S. Stanwood Menken, Richard C. Patterson, Jr.; Mrs. Ogden Reid, Mrs. Charles H. Sabin, Mrs. Charles Rumsey, Daniel Frohman, Fannie Hurst, John Golden, George Gordon Battle, A. C. Blumenthal, Major Edward Bowes, Samuel L. Rothafel, Gene Buck, Nathan Burkan, Mrs. Henry P. Davison, Harold B. Franklin, Crosby Gaige, John Hays Hammond, Mrs. William Harkness; General John F. O'Ryan, Sidney C. Borg, Mrs. William Belknap, Conde Nast, Bernarr Macfadden, T. J. Watson, Irvin S. Cobb and M. H. Aylesworth.

Mrs. Franklin D. Roosevelt, Amelia Earhart, Secretary of Labor Frances Perkins, George M. Cohan, Otis Skinner and Helen Hayes will sit at the speakers' table with Miss Dressler.

The dinner will be placed on the air by WJZ from 9:30 to 10:30 P. M.

Plans are under way for a national observance of Marie Dressler's 64th birthday on Nov. 9. Marie Dressler Birthday Clubs are to be organized across the country, with special programs in theatres, radio "salutes" and greetings by telegraph, cable, mail and even television. Mrs. Ralph Hitz is heading the movement in New York.

Renee Adoree Services

HOLLYWOOD, Oct. 6.—Funeral services for Renee Adoree will be held Monday morning at 11 o'clock at the Hollywood Cemetery chapel.

In Washington Once More

WASHINGTON, Oct. 6.—Dave Barrist says throwing his lot with the insurgent group has nothing to do with the M.P.T.O. of Pennsylvania affiliation with the National M.P.T.O.A. He insists he's here attending code pow-wows as a representative of an individual unit and that Deputy Administrator Sol A. Rosenblatt so understands it.

•

Bill Jaffee of the Burkan office, who is attorney for Columbia, ran into a heavy cold and has been compelled to spend much time in bed.

•

When the ball game came along codifying was dropped. Seems Ed Schiller hadn't missed a World Series game in 20 years and that Rosenblatt understood how it all was. At any rate, everybody who wanted the break got it. The film business, as a consequence, was well represented at the field on Thursday.

•

Bob Rubin hopes fond hopes. He thinks he will be home for Thanksgiving dinner. Others aren't so sure.

•

Freddie Meyer managed to get plenty of rest back home in Milwaukee between the second and third code stanzas, but that's all behind him now.

•

Most of the codifiers found much of Rosenblatt's phraseology extremely legal. This accounts for the sundry interpretations placed by different men on the same clauses.

•

Sherman Krellberg has been around, but on private, not code business.

•

Harry M. Warner gets in his golf, everything notwithstanding.

•

S. R. Kent continues to smile. Also to have his doubts about this code business. One of his principal concerns is when he will be able to get back to New York to conduct normal film business.

•

All of the New York group shudder whenever its members think of how desks are piling up with this and that.

•

And Carl Laemmle is enjoying Europe.

•

Will Hays, it seems, is keeping far in the background.

•

Earl Bright, his secretary, continues to hope he'll see New York again this year.

•

Harold B. Franklin was seen today walking up and down the Mayflower lobby, immersed in thought. Everybody was properly sympathetic.

•

Not much emanates from the Willard where the Labor Group holds forth. Much, however, is going on there.

•

Mrs. Ed Kuykendall, tired of waiting for her husband, gave it up as a bad job and returned to Columbus, Miss., today.

•

Nate Golden is codifying on his own. It's the Supply Dealers' Agreement, however. He's Government Advisor on that one.

Strikes Hit Houses In Pittsburgh Area

(*Continued from page* 1)

Allegheny county alone are out of work.

The drop in grosses has alarmed local circuit chiefs, with Ambridge, Pa.; Clairton, Pa.; Weirton, W. Wa.; Steubenville, O., and Monessen, Pa., all within a radius of 30 miles, particularly hard hit.

Business has further been affected by the riots among pickets, non-union workers and state and local police. Prospective customers, those not actively interested in the strike, are afraid to venture out on the streets at night.

Set Pittsburgh Campaign

PITTSBURGH, Oct. 6.—Mort Blumenstock, head of the Warner theatre advertising department, is here lining up a campaign for the opening of "Footlight Parade" at the Stanley Oct. 16.

Missouri Governor Leaves Taxes Open

(*Continued from page* 1)

ture for Oct. 17, left up to the lawmakers the form of additional taxation that is needed to tide the state over the financial emergency.

Governor Park proposed that the legislature decide among a general sales tax, a gross sales levy—either one of which would hit theatres—or any other method of raising revenue. The governor indicated, however, he would be more specific in his recommendations after the legislature convenes.

Hiking of the corporation franchise tax and outright removal of the five-cent general property tax were among the recommendations.

Roy Disney Eastbound

HOLLYWOOD, Oct. 6.—Roy Disney, business manager for Walt Disney Productions, left for New York today to attend a conference at the United Artists home office.

New Plan for Dent-Publix Is Approved

Reorganization of a fourth important Publix theatre unit in two days was furthered yesterday with approval by Referee Henry K. Davis of the organization by Paramount Publix trustees of a new corporation to take over and operate the Dent Circuit of 54 Texas and New Mexico houses.

Under the terms of the deal, Karl Hoblitzelle of Dallas becomes the Publix operating partner for the circuit and will pay the Paramount trustees $50,000 in cash for all of the Class A stock of the new operating corporation. This stock carries the right to elect two directors, the president and treasurer of the new corporation. All of the Class B stock, representing 50 per cent of new stock outstanding of the corporation to be organized, will be held by Paramount. It carries the right to elect two directors, the vice president and secretary of the corporation.

Paramount will also receive two income debenture issues of $800,000 and $700,000 each of the new corporation. In addition, Paramount retains a six-month emergency re-purchase agreement and two additional re-purchase provisions which may be exercised at its discretion after the six-month period.

Postponement until Oct. 13 of the deal for the Publix Detroit theatres was asked by the trustees and granted. Bids for this group have been made by both John Balaban, Publix-B. & K. executive, and George Trendle, former operator of the Detroit houses. Other matters involving the Paramount Astoria studio and laboratory; a claim against Paramount filed by Walter Reade, and a claim of the bankrupt's against Fox Film over West Coast theatre leases were also postponed to Oct. 13.

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AUDIO PUBLIX PROJECTION ROOM, INC.
Efficient Service with RCA Sound—Lowest Rates
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SOUND STUDIOS

SEIDEN SOUND STUDIO
Let us figure your sound test shots and synchronization work. Prices right.
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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 84 NEW YORK, MONDAY, OCTOBER 9, 1933 TEN CENTS

$2,000 a Week Viewed as Second Line Salary Top

See No Price Jumps Ahead In Baltimore

Night 25c Neighborhood Rate Is Standard

BALTIMORE, Oct. 8.—There is no talk here at present about raising admission prices. Executives of Associated Theatres, Inc., of which J. Louis Rome is managing director, believe the present top night price of 25 cents for adults will be kept as the standard for residential houses.

Isador M. Rappaport, Hippodrome owner, says he has not gone into the matter of increasing prices.

The Philip J. Sheck interests have just raised scales for adults at night from 20 to 25 cents for the Lord Baltimore. A 25-cent top night price for adults will be maintained by the Frank H. Durkee interests and they

(*Continued on page 7*)

Richmond Theatres Are Feeling Pickup

RICHMOND, Oct. 8.—Business is on the upgrade in local houses. The improvement was first noted in June and it has been accelerated by the NRA drive, according to leading managers.

One indication of the return of better times is the amount of redecorating and remodelling now under way.

The Broadway, practically reconstructed, will be ready Oct. 29. Work is now under way at the State. The

(*Continued on page 7*)

Midwest Vaudeville Circuit Is Planned

KANSAS CITY, Oct. 8.—A Chicago booking agency is attempting to establish a vaudeville circuit in Kansas, Missouri, Iowa and Nebraska, according to Irwin Dubinsky of Dubinsky Bros. Theatres.

Several houses that added vaudeville this fall may be included in the circuit. Dubinsky Bros. recently brought stage shows back to the Electric, St.

(*Continued on page 7*)

Wobber on Another Tour of Exchanges

Herman Wobber leaves today for Detroit on the first lap of a second tour of Fox exchanges in conjunction with sales talks on the Kent Drive. Western Division Manager W. J. Kupper accompanies him. Last Saturday Wobber spoke to New York exchange employes for the second time.

(*Continued on page 7*)

Poli Believed Set to Regain Circuit Soon

With the foreclosure sale of the Fox New England circuit set for Oct. 26, the houses are slated to return to S. Z. Poli on that date. Poli owns $14,000,000 worth of bonds, and in order for anyone to get the houses the bidder will have to go above Poli's interest. The circuit is now being operated by a group of three receivers, represented by Louis M. Sagal.

N. L. Nathanson will become financially interested in the group of theatres when he puts up approximately $800,000 for back interest and other accumulated debts. This is a personal interest the Canadian will have in the houses.

Loew's is understood set to take over management of the New England houses the latter part of the

(*Continued on page 2*)

Predicts Early Use For "Radio-Vision"

KANSAS CITY, Oct. 8.—The "radio-vision" theatre, presenting programs transmitted by television, is nearer perfection than is commonly believed outside of research and television experimental circles, according to R. G. Tannehill, with First National Television, Inc., of Kansas City.

Development of the "iconoscope" tube, a super photocell holding 3,000,-

(*Continued on page 7*)

Confirmed

Washington, Oct. 8.—Some of the codifiers went into their wee hour pastime last night, which means visiting Child's on Pennsylvania Avenue for griddle cakes, et al.

One of them noticed what looked like Christmas trees reposing on one of the counters. The immediate conclusion was that reports, current right along, that the code business would run to the holidays, were now confirmed.

Nathanson Is Silent About British Cash

TORONTO, Oct. 8.—Whether or not N. L. Nathanson secured financing during his stay in England, through which he can make an offer to Paramount Publix for Famous Players Canadian Corp., is still an unanswered question, as Nathanson has had nothing to say publicly since his return here recently.

Nathanson is known to be anxious to have control of Famous Players back in Canada under his direction, and one place to look for money is England. Gaumont is linked with

(*Continued on page 7*)

Cite Unfair Agent Tactics To Prove Check is Needed

WASHINGTON, Oct. 8.—Major producers maintain they have a case against unscrupulous agents. They say they can back up with facts and figures their contention that agents must be checked in the code or producers continue to face losses and increased operating overhead in the form of excessive salaries.

A wealth of data supporting these claims has been submitted to Deputy Administrator Sol A. Rosenblatt for him to ponder over in determining just how far Article 9 of the producers' code, which deals with agents, is to go.

Typical of the incidents turned over to the deputy administrator and the charges set forth are these:

An actor, signed with a producer on a contract which specifically provided the player could be "farmed" to other producers in the event the picture and the role were in keeping with the actor's standing, refused to work elsewhere because his agent insisted on payment of a bonus before

(*Continued on page 6*)

White House Insists on Slashes, Is Report— Producers at Sea

By RED KANN

WASHINGTON, Oct. 8.—Salaries up to $2,000 a week are justifiable if those paid that figure deliver, but beyond that level they are not. That goes for Hollywood and New York, for stars and directors, producers and executives.

It is impossible to confirm this because all mouths are remaining tightly clamped, but this word nevertheless is authoritatively reported to have been passed on to major producers by Administrator Hugh S. Johnson at a joint conference held in the latter's office in the Department of Commerce Building Saturday evening.

There is every substantial reason to believe Johnson was not talking on his own, but that what he had to say reflected the viewpoint of President Roosevelt, who once before is declared to have informed major companies that as the Administration viewed it many salaries in the industry were excessive and had to be deflated. It is understood there was explained to him the difficulty of working out a formula to conform to this viewpoint and that Johnson in his usual fiery style, accompanied by

(*Continued on page 6*)

First Code Signers

Washington, Oct. 8.—First signatories of the code are understood to be Morgan Walsh and L. S. Hamm, representing the I.T.O. of Northern California, who left for San Francisco late Saturday evening.

Harry Brandt, president of the I.T.O.A. of New York, is understood to be another, while Jack Miller, representing the Chicago Exhibitor's Assn., is reported to be a third. Miller's signature, however, is declared to be effective upon the condition and the understanding labor clauses are finally voted as discussed by him as chairman of the exhibitors' labor committee.

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WE DO OUR PART

Looking 'Em Over

"The Deluge"

(*Samuel Bischoff-Radio*)

A fantastic theme, that of the destruction of New York by a deluge, is employed here to supply situations which provide a fair measure of action, suspense and romance, despite the almost incredible background against which the story is pictured. An ending which appears even more incredible than the theme itself has been utilized as, perhaps, the easiest way of solving a romantic "triangle" and more or less provides the climax for all of the unrealities which have preceded it.

Among the survivors of the deluge are Sidney Blackmer, his wife, Lois Wilson, and their two children. They become separated, with the wife and children eventually finding a large community of survivors. Blackmer finds himself on an untenanted island and proceeds to build himself a home. Peggy Shannon, escaping from two male pursuers on a neighboring island, is found by Blackmer. Fred Kohler, one of the girl's pursuers, follows her to the island, captures her and takes her to the hideout of a gang of outlaws who were driven from the larger inland community by the law-abiding element. She is later rescued by Blackmer and the two take refuge from the gang in a cave, from which they are rescued by a posse from the settlement.

Blackmer and Miss Shannon are returned to the settlement, where he is reunited with his wife and family. Miss Shannon, in love with Blackmer, solves the resultant triangle by walking to the ocean's edge and swimming eastward.

Also in the cast are Matt Moore, Edward Van Sloan, Ralf Harolde and Samuel Hinds.

B'way Show-Window

ASTOR—"Dinner at Eight" (M-G-M)—reviewed Aug. 29.
CAMEO—"My Weakness" (Fox)—reviewed Sept. 23.
CAPITOL—"Night Flight" (M-G-M)—reviewed Aug. 23.
CRITERION—"S. O. S. Iceberg" (Univ.)—reviewed Sept. 23.
GAIETY—"Berkley Square" (Fox)—reviewed July 5.
HOLLYWOOD—"I Loved a Woman" (F. N.)—reviewed Sept. 22.
MAYFAIR—"The Good Companions" (Fox)—opening today.
PALACE—"Bureau of Missing Persons" (F. N.)—reviewed Sept. 2.
PARAMOUNT—"The Torch Singer" (Para.)—reviewed Oct. 7.
RADIO CITY MUSIC HALL—"Doctor Bull" (Fox)—reviewed Oct. 5.
RIALTO—"Deluge"—reviewed today.
RIVOLI—"The Bowery" (U. A.)—reviewed Sept. 28.
RKO ROXY—Saturday to Tuesday—"Power and the Glory" (Fox)—discussed in *The Pay Off* July 5. Wednesday to Friday—"My Weakness" (Fox)—reviewed Sept. 23.
ROXY—"Charlie Chan's Greatest Case" (Fox)—reviewed Oct. 7.
STRAND—"Footlight Parade" (Warners)—reviewed Sept. 30.

Purely Personal

MORT BLUMENSTOCK, Warner theatre advertising head, returns today from a flying trip to New Haven, Washington, Pittsburgh and Philadelphia on "Footlight Parade" campaigns.

LENA MALENA, who retired from the screen two years ago after her marriage, comes back in "What a Wife," Coronet comedy, for Educational.

BILLY JONES and ERNIE HARE start their second week of commercial broadcasting from the Old Roxy stage tonight.

STEVE EVANS has been added to the stage show at the Old Roxy this week.

Brenon Back in Films

HOLLYWOOD, Oct. 8.—Herbert Brenon, who declared he was through with pictures and would devote himself to directing plays for the radio, has signed with I. E. Chadwick to direct "Wine, Women and Song."

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Cleveland Dual Ban On Oct. 15 Up Again

CLEVELAND, Oct. 8.—The Cleveland M. P. Exhibitors' Ass'n has reaffirmed a previous motion to cut duals down to one showing a week starting Oct. 15.

The association is protesting a new advertising policy on films in *The Plain Dealer*. This newspaper has notified theatres that unless they use a minimum of two lines a day, six days a week, in the theatre directory, they cannot place advertising in the theatres directory of the Sunday edition. Those excluded from the Sunday directory will be obliged to use general advertising space at 55 cents a line with a minimum of 14 lines. The directory space rate is 30 cents a line.

M-G-M Train in Ohio

CLEVELAND, Oct. 8.—Eddie Carrier and the M-G-M traveling studio are in the state making stops in 70 towns in northern Ohio. To date, screen test contests have been arranged to be held in Toledo and Cleveland. The studio train will be in Ohio until Nov. 1.

Seek Schertzinger Testimony in Suit

BUFFALO, Oct. 8.—Permission to have a commission examine Victor Schertzinger, composer and film director, in Hollywood has been obtained by Marvin Radnor, Buffalo composer, from Supreme Court Justice Thomas H. Noonan. Schertzinger is to make a deposition as to whether he ever knew Radnor or ever saw or heard Radnor's songs, "The Eyes of Love," "Secrets" and "Little Boy Blue."

Radnor has sued Schertzinger and Harms, Inc., and its subsidiaries, alleging parts of those songs were "pirated" into "My Love Parade" and "Dream Lover," sung by Maurice Chevalier in the Paramount film, "The Love Parade," and later published by Harms under Schertzinger's signature.

Swanson Refuses Role

HOLLYWOOD, Oct. 8.—Gloria Swanson has turned down an offer from Paramount to play a role in "Mrs. Fane's Baby Is Stolen," leaving Joseph I. Schnitzer to find another buyer for her services. Reports have Cecil de Mille considering a story for which the star may be waiting.

Loew's Pfd Off Two Points

	High	Low	Close	Net Change	Sales
Consolidated Film Industries, pfd	9¼	9⅛	9⅛	.....	100
Eastman Kodak	79½	79⅞	79½	— ¼	300
Fox Film "A"	15¾	15¾	15¾	— ¼	100
Loew's, Inc.	32½	32¼	32½	+ ¼	300
Loew's Inc., pfd	73	73	73	—2	100
Pathe Exchange	1⅜	1⅜	1⅜	+ ⅛	100
Pathe Exchange "A"	9¼	8⅞	9¼	+ ½	900
RKO	2¾	2¾	2¾	— ¼	200
Universal Pictures, pfd	23	23	23	.....	10
Warner Bros.	8	7¾	7⅞	.....	900

Technicolor Gains ¼ Point

	High	Low	Close	Net Change	Sales
Technicolor	11	10¼	10½	+ ¼	1,900

Paramount Bonds Show Rise

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5	5	5	— ⅛	9
Keith B. F. 6s '46	45½	45½	45½	+ ½	1
Paramount Broadway 5½s '51	33¾	33¾	33¾	+ ¼	2
Paramount F. L. 6s '47	34¾	34	34¾	+¾	5
Paramount Publix 5½s '50	33¼	33¼	33¼	+⅜	2
Warner Bros. 6s '39, wd	46	45	45¼	+1	18

Poli Believed Set to Regain Circuit Soon

(*Continued from page 1*)

month under a percentage of profits arrangements said to be made with Nathanson. Who will be placed in charge of the houses under the Loew regime has not yet been settled.

Harry Arthur operated the houses for the receivers under a tacit agreement for some time and recently gave up the post to concentrate all his time with F. & M. Stageshows, Inc., of which he is vice-president. He previously had the houses as a part of his own circuit, but dropped them. He now operates four New England theatres and contemplates acquiring more in this territory.

"Pigs" Back in Buffalo

BUFFALO, Oct. 8.—Walt Disney's "Three Little Pigs," which first played the Hippodrome more than a month ago, has been brought back to the Century, both Shea houses. This is believed to be the first time in Buffalo history that a short subject has played a repeat date in a first run house.

3 Para. Ad Sales Changes

Don Velde, ad sales manager of Paramount, has appointed H. A. Brunies in charge of ad sales at the New Orleans exchange, succeeding W. W. Caldwell; Burns Warden has succeeded P. Allison at the Chicago office and Louis Aurelio has replaced Warden at Milwaukee.

Zukor Due Tomorrow

Adolph Zukor arrives tomorrow from the coast. He spent several weeks in Hollywood and last week recovered from an illness which kept him in a hospital for a week.

"Diggers" to 4 Circuits

RKO, Century, Prudential and Consolidated circuits in New York have signed up for "Gold Diggers of 1933."

Universal's New Deal!

CONSOLIDATED AMUSEMENT CO., of HONOLULU

signs for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

•

Thanks, **gentlemen, for your confidence in Universal Pictures. We will do our part.**

LIGHT

PARADE

WARNER BROS. give you the musical Hit of Hits with 20 Stars including—

JAMES CAGNEY
RUBY KEELER
DICK POWELL
JOAN BLONDELL

FOOTLIGHT PARADE

. . . . AND THE FIRST FULL DAY'S GROSS BEAT "GOLD DIGGERS" BY AN EVEN BIGGER MARGIN THAN THE PREVIEW!
"IT'S A MARCH TO THE BOX-OFFICE" SAYS *N. Y. TELEGRAPH!*

$2,000 Weekly Maximum Salary

Capitol Seen Insisting on This Figure

(*Continued from page 1*)

fists pounding on desks, informed the producers they would have to arrive at a method among themselves or take as an alternative a method furnished by the NRA.

As sensational as this development was, executives of the major companies are declared to have been thrown into further turmoil by a subsequent statement attributed to Johnson in which he is reported to have said the Administration stood ready to itself approve all contracts in a determined effort to see that the $2,000 maximum is not exceeded.

Difficult as it is for the major firms to evolve a workable plan here, unless the industry members can reach an accord among themselves, is a threat of an arbiter to be appointed by the government specifically charged with the responsibility of seeing to it that the separate viewpoints of the industry and the Administration are made one—the Administration's way.

Producers met at 11 this morning. Their lawyers an hour later, and tonight the mandate from high quarters again was submitted to arguments which have been almost perpetual for the last three weeks. Indications are now that the salary fixing commission which was written into the original Article 10 in New York was insistent excessive salaries must be curtailed will remain.

Majors Not Unanimous

Yet there continues to be no unanimity in the major producer ranks. Hays' members are divided on this issue. It is reliably learned that in favor of a salary board are M-G-M, Paramount, Warners, RKO and Fox, and opposed are Universal, Columbia, United Artists and individual producers like Samuel Goldwyn, Mary Pickford, Douglas Fairbanks and Charles Chaplin.

The opposing group is believed to be centering its arguments on instances illustrated by a theoretical case such as this: Its members say that if an actor's salary is to be fixed by law at $2,000, they will have little or no chance in the bidding for talent. They insist that since talent's income cannot go beyond a fixed figure it will be the talent's inclination to swing toward the producers who are active in the theatre field on the theory that since their earning capacities are to be regulated for them their next best choice would be to place their future with those companies which can assure them the widest of theatre outlets.

While this situation which has no precedent in the history of the business was being gone over and over again those remaininng members on the exhibitors' committee met separately to discuss clauses in the NRA draft which affect them. Differences in the ranks of the MPTOA are not satisfied with the code as it now stands and propose talking it out until its delegates secure the best concessions they can. Among its rallying cries are elimination of score charges, discontinuance of shorts sales tied in with features and elimination of designated playdates. Ed Kuykendall made his stand clear in a statement issued tonight, in which he said:

"Many rumors are in circulation concerning the positoin of the MPTOA in regard to the tentative code submitted by Deputy Administrator Sol A. Rosenblatt. Let me emphasize the fact that we have from the start of the conferences stood for the following fundamental practices and will continue to do so: Elimination of score charges, discontinuance of the practice of tieing in shorts with features, elimination of designated playdates, and a labor clause which is fair and equitable.

"More can be accomplished by remaining in sessions and trying to sincerely work out our problems than by running away in schoolboy fashion, as certain groups have done. The MPTOA delegation is mindful of the fact that it must safeguard thousands of small theatres and this trust will not be violated."

Confer with Rosenblatt

Further indicating the insurgent group proposed playing along was evidenced on Saturday when a second committee composed of Milton C. Weisman, Harry Brandt, Charles L. O'Reilly and Calvin Bard saw Rosenblatt and asked for a clarification of the labor clauses. Rosenblatt said they had departed well satisfied. This committee also asked additional light on other clauses which Rosenblatt refused to designate, but in connection with which he remarked they had left him "apparently satisfied."

On Article 10, Rosenblatt persistently refused to comment except to say that anything adopted in connection with actors also will apply to executives.

Cameramen Approve Code Crew Provision

WASHINGTON, Oct. 8.—Eastern sound and cameramen are in accord with the code provision that camera crews are not to be switched in the middle of production, declared Deputy NRA Administrator Sol A. Rosenblatt. This is the provision being fought by the international photographers on the coast.

Inequities in Code Subject to Change

WASHINGTON, Oct. 8.—If inequities in the code assert themselves, changes may be made immediately but only by executive order of the President, Deputy NRA Administrator Sol A. Rosenblatt explained in response to a question of NRA procedure under conditions as outlined.

Detroit Exhibs File Mid-States 'Plaint

WASHINGTON, Oct. 8.—Several Detroit exhibitors, also members of Allied, have filed a complaint with Deputy NRA Administrator Sol A. Rosenblatt against Mid-States Theatres, the Michigan buying combine, in which H. M. Richey and J. C. Ritter are officers. Rosenblatt said complainants charged Mid-States was attempting to put them out of business. The Deputy Administrator described the development as a case of several exhibitors asking the right to buy from members of their own organization.

The Reason Why

Washington, Oct. 8.—Eddie Golden supplies a kidding answer to the reason why the independents formed their own code deliberating body. Says he:

"Independent producers and distributors have been sitting around the lobby waiting for something to happen. We've been invited to few or no meetings and we got tired of it. We wanted an audience to hear ourselves talk, so we bolted.

"Now we have a secretary. We write letters to Sol Rosenblatt and we get answers. Nice, clean fun!"

Agent Tactics Cited to Show Need of Check

(*Continued from page 1*)

so doing. The actor got the bonus, the producer being unable to replace the part.

The incident is also told of a free-lance actress, salary $3,000 per week, who had agreed to work for a producer for 10 days, after which she was scheduled for a featured role in an entirely different production. The first producer, however, discovered he required the actress's services for an additional week. At the same time, the second company learned it could get along without her for that length of time. Her agent insisted that both companies live up to the letter of their contracts and pay the performer for both weeks. The matter eventually was settled by arbitration, preceded by threats of action on the part of both producers.

Agents and High Salaries

Unscrupulous agents are blamed by producers for skyrocketing the income of an actor, described as unknown until the producer who had him under contract developed him, from $1,000, including bonuses, to $2,250 a week. This is how it was done: Ignoring his contract, the actor walked off the set on the day a picture in which he was cast was slated to get under way. The producer was threatened with a loss representing six figures. The actor, acting under instructions from his agent, demanded $2,250 and said he would not work unless he got it. He did.

Producers Also Blamed

However, the blame for much of the rarefied salaries which admittedly prevail in Hollywood today is not entirely passed on to the agent. The producers have also blackened themselves with Rosenblatt in additional data which tells at length interesting incidents which, they assert, have arisen out of secret negotiations conducted by one producer against his fellow-producer.

Among what are declared to be actual cases which the producers have compiled themselves and which they argue will be eliminated by throwing future negotiations into the open are these:

One actor, employed by a major company on a long-term contract for $1,200 a week, was signed secretly by a competitive producer for five years. The contract called for $2,200 the first year, $2,700 the second, $3,200 the third, $4,200 the fourth and $5,000 the fifth. Part of the secret negotiations had it that if the existing contract could be cancelled, the new one would immediately become operative. If not, it was to start at the expiration of the existing pact. It is claimed the actor turned dissatisfied with his then current contract and gave his employer considerable trouble. Investigation is said to have demonstrated the existence of the secret contract and resulted in the first company making a substantial cash settlement of the second contract and a revision upward in the existing agreement. Thousands of dollars were involved.

In Silent Days Also

Another instance involved an actor, prominent in the silent days, who was signed secretly by another producer at several times his current salary. The first producer learned of the transaction and, in the belief that retention of the actor's services were necessary to maintain his announced program, signed a new pact at the competition's terms. By the time the actor's contract had run out, the box-office had demonstrated the performer was not nearly so indispensable as the original employer had believed. Yet the studio was "stuck" with a contract which eventually cost it over $1,000,000, the charge has been made.

Directors' Deals Up

Secret negotiations with directors as well are declared to have cost the producers considerable headache as a result of actions of some members from within the producers' ranks themselves. One director, it is alleged, was signed in this fashion by a competing studio at a 100 per cent increase. He was said to have become discontented and a source of considerable concern to the studio by which he was employed. The new offer was matched, but the director refused to accept it. Production delays resulted.

Almost Wrecks Company

A certain actress and what is alleged to have happened in her case almost caused the complete financial collapse of the employing producer, this incident goes. Employed at $1,500 a week on a 40-week guarantee with a $500 increase agreed upon for a second period, this player was approached secretly by another studio at a substantial salary hike. The employing producer learned what was transpiring. At the same time, the player became an insurgent and was reputedly piling up production cost on her pictures through lack of co-operation with the studio. The first producer eventually reached the conclusion it had better make her happy. The method was via a new contract at three times the original salary for one year and an additional $250 a week the second.

See No Price Jumps Ahead In Baltimore

(*Continued from page 1*)

are not contemplating any raise in prices at any of the 15 theatres they control.

J. Lawrence Schanberger, Keith's manager, said he does not know of any movement at the present to increase admissions and he has not considered the problem at his house.

Palace in Cincinnati Tips Scales for Tabs

CINCINNATI, Oct. 8.—Prices at the RKO Palace, vaudefilm, which were increased from 30 and 40 cents to 35 and 44 cents on Sept. 1, the effective date of the new Ohio admission tax law, now have been advanced to 60 cents for evenings, and after 1 P. M. Saturdays, Sundays and holidays.

The upward revision went into effect with the showing of the musical tab, "Strike Me Pink," and will obtain hereafter when tab productions or big "name" attractions play the house.

Birmingham Changes In 2 Balconies Only

BIRMINGHAM, Oct. 8.—Admission scales remain unchanged here with the exception of balcony tickets in two deluxe theatres, Alabama and Strand, which have advanced from 25 to 30 cents. This advance, in effect about 30 days, has had no visible effect on attendance.

Business has improved very little with Birmingham houses and further ticket advances are not contemplated for the present. Managers report August business was duller than June and July. September improved slightly.

Several of the suburbans have been closed for months. Those open report a slight improvement in attendance.

Richmond Theatres Are Feeling Pickup

(*Continued from page 1*)

Capitol was improved recently. The Bijou is now being redecorated and will reopen soon as a second run. The Colonial will be closed Oct. 12 for similar work.

Stage shows are planned at the Lyric for the winter and the Mosque will have operas.

Midwest Vaudeville Circuit Is Planned

(*Continued from page 1*)

Joseph, Mo., after a lapse of three years. Three RKO acts are offered twice weekly, one program Sunday and Monday and another Friday and Saturday. Straight pictures hold the remainder of the week.

Dubinsky's Orpheum in Leavenworth, Kan., has resumed Sunday vaudeville, hiking the top from 25 cents to 35 cents. Stage shows have also returned to Lincoln, Neb., and at Fox spots in Topeka and Wichita. The Fox Jayhawk, Topeka, is showing standard RKO acts at 35 cents top.

In Washington Once More

WASHINGTON, Oct. 8.—Bob Wilby has some definite ideas about the code. One of them is progress would be faster if some of the New York crowd went home.

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The W. K. telephone gag was pulled on Love B. Harrell the other night. Morgan Walsh didn't go for it, however.

•

Add mysterious phone calls: The one Lester Cowan got at the Carlton about 1:15 Friday morning and how it demonstrated that he was a gentleman.

•

The exhibitors' committee, sans Allied, I.T.O.A. and T.O.C.C., has developed considerable respect for Abner Rubien, attorney for the I.A.T.S.E.

•

The producers' group, which has met in what is practically one session since Wednesday, will long remember Article 10.

•

Eddie Loeb has been bothered with a catarrhal condition in his ear. Well in hand now, however.

•

The split between Administrator Hugh S. Johnson and Chief Counsel Donald R. Richberg over the coal situation interested film codifiers because it indicated all was not so harmonious within the NRA.

•

Henry Herzbrun's wife is back in Hollywood. Henry is confident he'll get back one of these days himself.

•

Albert Warner's been around to consult with Harry M. on the code.

•

Tom Murray eats griddle cakes at two in the morning and immediately falls into deep slumber.

•

George Schaefer has been receiving wired bulletins on the record being rolled up at the Oriental, Chicago, by "I'm No Angel." Other circuit men here who have seen the picture describe it as a wow.

•

Ray Johnston has been attempting to check reports a code for "yes" men is in the making. It was immediately denied that it could or would have any application in Hollywood.

•

Jack Cohn and Bob Cochrane continue to stick pretty closely together.

•

Lobby stalwarts: L. A. Solomon, Ray Johnston, Eddie Golden, Al Friedlander, Arthur Schwartz, Aaron Saperstein, Tom Murray.

•

Said a disgruntled independent: "Here I am burning while Rome is fiddling."

•

Complaining exhibitors recall grimly the tense few minutes that preceded the actual delivery of the NRA code by Deputy Administrator Sol A. Rosenblatt. "Let's tell stories," he said.

"We got a story all right," said many exhibitors after they had a chance to hurriedly read the proposed agreement.

Unknown Actor Makes Good

Washington, Oct. 8.—How a player, unknown until the producer to whom he was under contract developed him, increased his salary from $300 to $2,500 a week in two years, is one of the amazing inside stories which major producers have presented to Deputy Administrator Sol A. Rosenblatt as an argument for restrictions of agents through the machinery proposed in Article 9 of their code. Here it is, as presented by producers:

The actor originally was signed at $300 on a five-year optional contract. The agreement called for a $75 increase in the first six months and an additional $75 in the second six months. The producer, however, voluntarily jacked the figure from the stipulated $375 in the first period to $575, and from the stipulated $450 in the second period to $900. Therefore, when, by contract the actor was entitled to $450, he was getting twice that amount.

About this time, his agent entered the picture and told the actor to ignore his contract. The player waited until an important picture was set to go and then refused to appear. To avoid losses, the producer found himself in a spot where he was forced to accede to demands for a $10,000 bonus as an inducement to the performer to return to work and coupled with it promise of a new contract.

A short time later, the new deal was closed. By its terms, the old contract was thrown out and a new one, calling for $1,650 a week the first year signed with an option at $2,500 the following year. The option was exercised, but this year the player was let out because the producer concluded he could no longer bear the traffic.

This is the fairy tale of how an actor, delighted to be paid his original $300, moved himself into the four figure per week classification in about two years.

Nathanson Is Silent About British Cash

(*Continued from page 1*)

Nathanson in local gossip, but information is lacking as to whether or not he has made another offer to Zukor. The offer, backed by Gaumont, which was made three years ago, was on a basis of $75 per share, but that was in the boom days.

Nathanson has intimated he will buy more theatres in Canada, but no step is apparent yet. This development might be held up pending negotiations with Paramount Publix. In the meantime Nathanson says he was impressed with the latest British specials while in England. He has adopted a plan of having traveling orchestras of 10 pieces to appear in various houses of the circuit for the purpose of testing the patronage reactions. If they go over well, pit orchestras will be made permanent in some spots.

Predicts Early Use For "Radio-Vision"

(*Continued from page 1*)

000 "eyes," has made television ready for the home and brought visual programs closer to technical perfection for theatres, said Tannehill. The tube recently was announced by Dr. Vladimir K. Zworykin, in collaboration with RCA-Victor Laboratories at Camden, N. J.

Tannehill recently became associated with First National Television, which maintains a broadcasting station, as sales manager of the extension department. He was one of the organizers of the Independent Theatre Supply Dealers' Ass'n. and was its first secretary.

Wobber on Another Tour of Exchanges

(*Continued from page 1*)

He will speak before Detroit employes tomorrow.

Following his talk in the automobile city, Wobber will head for St. Louis, Kansas City, Des Moines, Omaha, Minneapolis, Milwaukee and Chicago in the order named. From the Windy City he will return to New York, thence to Denver, Salt Lake City, Portland, San Francisco and Los Angeles. From Los Angeles he will fly to Dallas and then go to Oklahoma City, Memphis, New Orleans, Atlanta, Charlotte and back to New York.

Later in November Wobber and John Clark, general sales manager, will make another circuit of the exchanges.

Ideal Closes 2 Deals

Ideal Pictures Corp. has sold distribution rights of "The Next War" to Judell Film Exchanges for the Chicago, Milwaukee, St. Louis and Indianapolis areas. Reliable Film Exchange, Washington, has closed with Ideal for 13 one-reel "Whatnots."

"Lady" Pulls Big $12,000 Kansas City

KANSAS CITY, Oct. 8.—"Lady for a Day" and "Dr. Bull" were outstanding draws. The first, with benefit of a revised "Apple Annie" stunt and newspaper publicity, zoomed the Main-street's take to $12,000, above par by $5,000. "Dr. Bull," an Uptown attraction, doubled the house average, ringing up $6,100, and was held. "Voltaire" turned in a normal $6,000 at the Newman, while in Midland's "Beauty for Sale" slumped.

Total first run business was $32,800. Average is $26,000.

Estimated takings:

Week Ending Sept. 28:

"LADY FOR A DAY" (Col.)

MAINSTREET—(3,049), 25c-40c, 7 days. **Gross:** $12,000. (Average for straight films, $7,000.)

"VOLTAIRE" (Warners)

NEWMAN—(2,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $6,000. (Average, $6,000.)

Week Ending Sept. 29:

"BEAUTY FOR SALE" (M-G-M)

MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $8,700. (Average, $10,000.)

Week Ending Sept. 30:

"DR. BULL" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $6,100. (Average, $3,000.)

"Harmony" Top in Prov. with $8,600

PROVIDENCE, Oct. 8.—Business took a slump here for the week with all sections concentrating on the big NRA parade which had 70,000 in line. The Paramount, with the popular "Too Much Harmony," was the only theatre to go over the border line into smart money, this house catching $8,600. Average is $6,500.

The RKO Albee hit only $4,000, but this week plans to come back strong with a vaudefilm policy starring Paul Whiteman. The Majestic was so-so at $6,800, and Fay's caught on for a par $7,000 with vaude and "Shanghai Madness."

Total first run business for the week was $36,600. Average is $40,500.

Estimated takings for the week ending Oct. 5:

"STAGE MOTHER" (M-G-M)

LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Royce and Maye; Chase and Latour; Renard and Rome; Harriet Hutchins. **Gross:** $9,200. (Average, $12,000.)

"LADIES MUST LOVE" (Univ.)
"DELUGE" (Radio)

RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000.)

"I LOVED A WOMAN" (F.N.)
"F. P. 1" (Fox)

MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,800. (Average, $7,000.)

"SHANGHAI MADNESS" (Fox)

FAY'S—(1,600), 15c-40c, 7 days. Stage: Bernice Claire; Continental Revue; Smith, Strong and Lee. **Gross:** $7,000. (Average, $7,000.)

"TOO MUCH HARMONY" (Para.)
"TO THE LAST MAN" (Para.)

PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $8,600. (Average, $6,500.)

"RANGERS' CODE" (Col.)
"EASY MILLIONS" (Freuler)

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000.)

Grosses in San Francisco Jump Far Above Normal

SAN FRANCISCO, Oct. 8.—This town had a series of remarkable grosses last week. Heading the list was the Warfield which topped average by $7,000 for a total gross of $20,000. "Goodbye Again" was on the screen and Texas Guinan and her gang were on the stage.

"Lady for a Day" was a knockout at the Golden Gate, hitting $18,000, up by $5,000. "Headline Shooters," opening attraction at the Orpheum, was good for $14,500. This is $4,500 over what is considered a normal take for the house.

Total business for nine theatres was $95,000. Average is $91,000.

Estimated takings:

Week Ending Sept. 26:

"LADY FOR A DAY" (Col.)

GOLDEN GATE—(2,800), 25c-35c-45c-65c, 7 days. Vaudeville, Horace Heidt band. **Gross:** $18,000. (Average, $13,000.)

Week Ending Sept. 27:

"DR. BULL" (Fox)

EMBASSY—(1,380), 30c-40c-50c, 7 days. **Gross:** $6,000. (Average, $8,000.)

"THIS DAY AND AGE" (Para.)

UNITED ARTISTS—(2,700), 25c-40c-50c, 6 days, 2nd week. **Gross:** $3,500. (Average, $8,000.)

"GOODBYE AGAIN" (Warners)

WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Texas Guinan and gang. **Gross:** $20,000. (Average, $13,000.)

Week Ending Sept. 28:

"MAYOR OF HELL" (Warners), 3 days
"Gold Diggers" (Warners), 4 Days

EL CAPITAN—(2,900), 10c-25c-35c-40c, 7 days. Stage revue. **Gross:** $10,000. (Average, $9,000.)

"HEADLINE SHOOTER" (Radio)

ORPHEUM—(3,000), 15c-25c-40c, 7 days. Rube Wolf band, girls. **Gross:** $14,500. (Average, $10,000.)

Week Ending Sept. 29:

"PLATINUM BLONDE" (Col.)
"WIVES BEWARE" (Regent)

FOX—(4,600), 10c-15c-25c-35c, 7 days. **Gross:** $8,000. (Average, $9,000.)

"I LOVED A WOMAN" (Para.)

PARAMOUNT—(2,670), 25c-35c-65c-75c, 7 days. **Gross:** $9,000. (Average, $15,000.)

"CHAN'S GREATEST CHANCE" (Fox)
"HEROES FOR SALE" (Warners)

ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"Dinner" 2nd Week $7,000, Montreal

MONTREAL, Oct. 8.—Word of mouth advertising helped "Dinner at Eight" to keep up to a $7,000 gross for the second week as a road show at His Majesty's. The first week's take was $8,000.

Among the regular runs, leadership went to the Palace, with $11,000 on "Paddy, the Next Best Thing," while the Capitol made it par at $9,000 with "Pilgrimage" and "Charlie Chan's Greatest Case."

Loew's fell back to $7,500 with a double bill comprising "Turn Back the Clock" and "Emergency Call," and there are plenty of rumors that vaudeville will return to Loew's stage before many weeks. The Imperial was good at $2,500 with the French film, "La Pieuvre," and the Princess took $6,000 on two British pictures, "Soldiers of the King" and "Sally Bishop," the former being the pick of the pair by far.

Total first run business was $43,000. Average is $43,000.

Estimated takings for the week ending Sept. 29:

"PILGRIMAGE" (Fox)
"CHARLIE CHAN'S GREATEST CASE" (Fox)

CAPITOL—(2,547), 25c-35c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,000.)

"DINNER AT EIGHT" (M-G-M)

HIS MAJESTY'S—(1,600), 50c-$1-$1.50, 7 days, 2nd week. **Gross:** $7,000. First week, $8,000. (Average, $4,000.)

"LA PIEUVRE" (French)

IMPERIAL—(1,914), 25c-35c-50c-60c, 7 days. **Gross:** $2,500. (Average, $2,000.)

"TURN BACK THE CLOCK" (M-G-M)
"EMERGENCY CALL" (Radio)

LOEW'S—(3,115), 25c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $10,500.)

"PADDY, THE NEXT BEST THING" (Fox)

PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $11,000. (Average, $11,000.)

"SOLDIERS OF THE KING" (British)
"SALLY BISHOP" (British)

PRINCESS—(2,272), 25c-35c-50c-60c, 7 days. **Gross:** $6,000. (Average, $6,500.)

Antony Estate Bankrupt

NEW ORLEANS, Oct. 8.—The Bernard Antony Estate, operators of the Ideal, which closed recently, has filed a voluntary petition in bankruptcy in the U. S. District Court listing assets of $83,437.25 and liabilities of $61,116.50.

"Power" at $8,000 Is Des Moines Hit

DES MOINES, Oct. 8.—"The Power and the Glory" led the procession in the sixth straight week of good business here. At the Des Moines the Lasky-Fox feature reached $8,000, or $2,000 over average.

"When Ladies Meet" took second honors with $4,000, up by $1,000, at the Garden, and "The Masquerader" was a decided draw at the Orpheum at $5,500.

Total first run business was $28,000. Average is $24,500.

Estimated takings for the week ending Sept. 30:

"THE MASQUERADER" (U. A.)

ORPHEUM—(2,200), 10c-25c-35c, 7 days. **Gross:** $5,500. (Average, $4,500.)

"SAMARANG" (U. A.)
"BROADWAY TO HOLLYWOOD" (M-G-M)

PARAMOUNT — (2,300), 10c-25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000.)

"THE POWER AND THE GLORY" (Fox)

DES MOINES — (2,200), 10c-35c-50c, 7 days. **Gross:** $8,000. (Average, $6,000.)

"WHEN LADIES MEET" (M-G-M)

GARDEN—(1,300), 10c-15c-25c, 7 days. **Gross:** $4,000. (Average, $3,000.)

"CAPTURED" (Warner Bros.)
"TARZAN, THE FEARLESS" (Principal)

STRAND—(1,900), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000.)

Bamberger to Springfield

MIDDLETOWN, O., Oct. 8. — Herman C. Bamberger, manager of Taft's Paramount, has resigned to take over management of the Palace at Springfield, Mass. Before coming here, Bamberger was manager of the Palace at Hamilton, and before that was in charge of the State at Lexington, Ky., when that house was under the Publix banner.

Nat Turberg, in charge of advertising for the Taft houses at Hamilton, has been assigned to the Paramount here for the present.

Ohio Houses End Splits

AKRON, Oct. 8. — The Palace, which opened two weeks ago with a split week policy of vaudefilm, has switched to full week programs. The same switch has been made at the Palace, Youngstown, likewise under the Monarch banner. The acts divided time between the two houses.

"Jones" Hits $18,000, Big Boston Gross

BOSTON, Oct. 8.—"Emperor Jones" demonstrated its drawing powers here last week with an $18,000 take at Keith's on a straight film program. This is $2,000 over average and is exceptional in view of the strong competition.

Total grosses were slightly under last week, due, probably, to the opening of the football season, but all were strong. The RKO Boston took $18,000 with "Midshipman Jack" and a stage show headed by Jack Benny's revue. "The Solitaire Man," aided by vaudeville, was $1,000 up at $17,000 at Loew's State. "Too Much Harmony," with Eddie Duchin's orchestra, topped the Metropolitan's $28,000 par by $2,500.

Total first run business was $102,500. Average is $95,000.

Estimated takings for the week ending Sept. 26:

"MIDSHIPMAN JACK" (Radio)

BOSTON—(2,900), 25c-50c, 7 days. Jack Benny revue and vaudeville. **Gross:** $18,000. (Average, $16,000.)

"PILGRIMAGE" (Fox)
"TO THE LAST MAN" (Para.)

FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

"EMPEROR JONES" (U. A.)

KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $18,000. (Average, $16,000.)

"THE SOLITAIRE MAN" (M-G-M)

LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $17,000. (Average, $16,000.)

"TOO MUCH HARMONY" (Para.)

METROPOLITAN—(4,350), 30c-65c, 7 days. Eddie Duchin's orchestra. **Gross:** $30,500. (Average, $28,000.)

"THE PILGRIMAGE" (Fox)
"TO THE LAST MAN" (Para.)

PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

House in Missouri Has 26th Birthday

KANSAS CITY, Oct. 8.—The Booth at Rich Hill, Mo., oldest house between Kansas City and Joplin, has just celebrated its 26th anniversary. The observance was a tribute to Mrs. Rolla Booth, who built the house and has been operating it since. The entire community turned out for the festivities, which were attended by several Kansas City exchangemen. The celebration was heralded by a big publicity campaign and continued all week, with a change of program daily and gifts for the kiddies.

Post Radio Plugs Films

CINCINNATI, Oct. 8.—Pictures playing Keith's are plugged daily over WFBE, local radio station of the *Cincinnati Post*, located in the Sinton-St. Nicholas.

Highlights of the picture and cast are given between announcements of baseball games and other sports events.

"Be Mine" N. O. Hit

NEW ORLEANS, Oct. 8.—After doing poorly at Saenger's Tudor, "Be Mine Tonight" was taken over by Manager Harry S. McLeod as a second run, and as a result of clever advertising via radio, women's clubs and broadsides in the daily newspapers is packing the St. Charles.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 85 NEW YORK, TUESDAY, OCTOBER 10, 1933 TEN CENTS

Salary-Fixing Believed Shunted Into a Siding

Rosenblatt Denies Any Plan Now Exists for Fixing Salaries

Washington, Oct. 9.—"If any men who attended the meeting with General Hugh S. Johnson told you there was any discussion about limiting salaries to $2,000 per week, they are liars. I have never heard that discussed by, or with, anybody at any time," stated Deputy NRA Administrator Sol A. Rosenblatt in denying *Motion Picture Daily's* story of today that Johnson, presumably speaking for President Roosevelt, had informed major producers on Saturday evening that salaries were to be held to that maximum.

Asked specifically if Article 10 carried provision for a salary fixing board, the deputy had nothing to say. Pressed for details of the meeting with Johnson, Rosenblatt merely replied that a number of matters were discussed, but refused to say what they were. On that portion of *Motion Picture Daily's* story of today where it was pointed out that Johnson punctuated remarks to producers by pounding his fists on desks, Rosenblatt said he had never heard the administrator do any such thing. Other newspapermen in Washington, however, have not only heard Johnson has done this many times, but say they have been in his office and actually have seen him do it on various occasions.

Doubt Legality--Academy Asks for Hearing On Article 10

By RED KANN

WASHINGTON, Oct. 9.—Despite the insistence of the Administration that excessive salaries must be checked neither the legal precedents nor the legal machinery are believed in existence to enforce any arbitrary limitation on the earning powers of creative talent. For that reason, it is reported, Article 10 in the producers' code, now the stormy petrel of the entire code deliberations, will

(*Continued on page 3*)

They're Happy

Washington, Oct. 9.—Nicholas M. Schenck spent an hour and one-half closeted with Administrator Hugh S. Johnson this afternoon, *Motion Picture Daily* learned late tonight. The results were reported to be extremely satisfactory from the viewpoint of major producers, although what actually transpired did not come to light.

Circuit Court Refuses Move In Para. Case

Fight on Receivership Brought to End

A motion which sought to have Paramount's original equity receivership declared invalid and to have it supplanted by an involuntary petition filed against it early last January by a bondholders' group was dismissed by the U. S. Circuit Court of Appeals here yesterday.

Counsel for Paramount argued that an appeal of the motion, which had been denied by Judge William Bondy

(*Continued on page 4*)

Linz Seeks Court Relief on Rentals

DALLAS, Oct. 9.—Clarence E. Linz, receiver for Southern Enterprises, has asked the Federal Court for relief from delinquent rents and for new leases on four first runs in Texas. The houses are: Melba, Dallas; Kirby and Metropolitan, Houston, and Worth, Fort Worth.

When the receivership began in February over $500,000 in back rents was due on these houses, according to Linz. Since February he has paid rents at the rate of 10 per cent of the gross. The leases have from 12 to 18 years to run.

He also asks the court to approve rental reductions on 15 houses.

Roxy Loses Appeal Over Use of Name

WASHINGTON, Oct. 9.—Samuel L. (Roxy) Rothafel today lost his attempt to get the U. S. Supreme Court to entertain an appeal from a U. S. Circuit Court of Appeals decision upholding the right of the Old Roxy to continue to use the name. Judge Martin L. Manton handed down a

(*Continued on page 4*)

Protests by MPTO Of Maryland Urged

BALTIMORE, Oct. 9.—Members of the M. P. T. O. of Maryland were urged at a meeting today to telegraph to Administrator Hugh S. Johnson protesting against the draft of the exhibition code submitted by Deputy NRA Administrator Sol A. Rosenblatt.

Insurgents' Analysis May Be Set Back

WASHINGTON, Oct. 9.—Whether or not insurgent groups will have their promised analysis of the code by Wednesday appeared questionable today, for it has been learned they feel the code situation represents Armageddon for the independents and that the time has come to present their views in writing. The impression prevails among them that they have not been listened to in private conferences. No record of the proceedings in such conferences has been made.

They are known to feel their cur-

(*Continued on page 4*)

Coast Indies Talk Over Stand on Code

HOLLYWOOD, Oct. 9.—The first of what may be a series of meetings of independent producers here to decide whether or not they will sign the NRA code draft was held at the Roosevelt Hotel today without a decision resulting.

The meeting, called by the I.M.P.P.A., was presided over by M. H.

(*Continued on page 4*)

Strike Talk Stirs Among Coast Actors

HOLLYWOOD, Oct. 9.—Any effort to limit actors' salaries to $2,000 a week or to control them in any way will be followed by a walkout, it is predicted by members of the new Actors' Guild.

As a result of the mass meeting held Sunday membership in the guild now totals 527 of the leading players here and it is predicted it will reach 1,000 within a week. Six more players quit the Academy of M. P. Arts and Sciences today, but so far Academy officials refuse to make any statement.

(*Continued on page 4*)

Reports Nathanson Seeks Circuit Buy

TORONTO, Oct. 9.—N. L. Nathanson has left for New York on a mission reported to involve an offer to purchase Famous Players Canadian Corp. from the Paramount Publix trustees. His trip followed conferences here with Major Andrew P. Holt, who is said to represent Gau-

(*Continued on page 4*)

Chicago Theatres Start Code Wages

CHICAGO, Oct. 9.—Jack Miller, head of the Chicago Exhibitors' Ass'n, today stated that B. & K., Warners, RKO and Essaness were putting into immediate effect Deputy NRA Administrator Sol A. Rosenblatt's labor code for their employes in the lower brackets.

Miller denied that he had actually signed the code, but stated that he had authorized Ed Kuykendall, president of the M.P.T.O.A., to do so if

(*Continued on page 3*)

Say Labor Snagged Supply Men's Code

WASHINGTON, Oct. 9.—Difficulties which the supply dealers' code ran into are largely influenced by labor's contention that clauses covering union men were written casually and provided only for the President's 40 cents per hour minimum for mechanical

(*Continued on page 3*)

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WE DO OUR PART

Erpi Baseball Champs

The M. P. Baseball League wound up its season Saturday with a championship game between Columbia and Erpi at the Catholic Protectory Oval in the Bronx. Erpi won, 4—0, with Joe Lee pitching. Bill Weinstein pitched for the losers. It was the first game lost by Columbia during the season. Erpi won eight and lost four. Records of other teams were: Warners, won seven, lost five; NBC, six and six; RKO, five and seven; Warner Vitaphone Studios, nine and three; Fox, lost all.

600 at Warner Dinner

HOLLYWOOD, Oct. 9.—Six hundred notables in California industry, politics and society participated in the motion picture industry's welcome to the House and Senate Naval Affairs Committees at the Warner studios. Jack L. Warner acted as host. Lieutenant Governor Frank P. Merrian and Mayor Shaw of Los Angeles were among those present. Will Rogers presided.

Governor Names Hart

Vincent G. Hart of the Hays Office has been named by Governor Lehman as a delegate to the National Tax Conference to be held in Phoenix, Ariz., Oct. 16 to 20. Following the conference at Phoenix he will go on to Hollywood.

Lyle Talbot Injured

HOLLYWOOD, Oct. 9.—Lyle Talbot is in Cedars of Lebanon Hospital suffering from concussion of the brain and possible skull fracture as a result of an automobile accident.

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Looking 'Em Over

"The Good Companions"

(*Fox-Gaumont-British*)

Several good tunes and a title which, despite its British origin, is widely known here through the J. B. Priestley novel on which the picture is based, are the principal assets of this Fox importation.

The story involves the chance meeting of two men and a girl who have cut loose from old ties and struck out on their own in search of adventure. They encounter a stranded music hall troupe and the girl, Mary Glynne, decides to stake the show with a small fund recently inherited by her. In 10 weeks the fund has been exhausted and the troupe, unsuccessful through an adverse summer season, is about to disband when a turn comes in their fortunes. After various trials, including an attempt on the part of a rival producer to break up a crucial performance attended by an important London producer, Jessie Matthews, ingenue of the show, and Edmund Gwenn, author of its lyrics, are signed for starring with a London company.

"Rust Rides Alone"

(*Columbia*)

Tim McCoy in another western which has him saving the ranch of the heroine's father from the clutches of the villain and winning the girl after it's all over. There is a good share of fireworks and hard riding in the later reels which will give the youngsters the action they crave in this type of feature. There is a dog, Silver, who aids McCoy and he should get over with the juveniles as well.

Receiving a note from Barbara Weeks' father that the latter's son has disappeared, McCoy takes to sleuthing and learns that Rockliffe Fellowes has him stowed away on his ranch as a means of getting the girl's father to sell the ranch. With the aid of Dorothy Burgess, daughter of Fellowes, and Wheeler Oakman, the hero clears the country of its greedy clique.

Two B'way Theatres Boost Their Prices

Increases in admissions have been made at the Rivoli and Strand. New prices for the Strand hike weekday evening admissions 10 cents, while on Sunday 20 cents has been added to the 12 noon to 1 p.m. show and 10 cents to the 1 to 5 p.m. performance. On Saturdays loges are priced at $1.10 and on Sunday this figure is boosted 15 cents.

No increase has been made at the morning Rivoli shows, but from 1 to 6 P.M. an additional 20 cents is now charged. From 6 to 10:30 P.M. the price has been boosted 19 cents, and from 10:30 to closing, 20 cents.

Retakes for "Clouds"

HOLLYWOOD, Oct. 9.—Columbia's "Above the Clouds," which has been editing for six weeks, has gone back for retakes.

Two Interviews

Washington, Oct. 9.—Deputy NRA Administrator Sol A. Rosenblatt is limiting newspaper men and their questions to press interviews exclusively. There were two interviews today, one at noon and another at 5 o'clock. Anything developing later, therefore, stays in the unconfirmed class insofar as Rosenblatt is concerned until the next day.

Bever With National

PORTLAND, Oct. 9.—Walter Bever has been named as Oregon representative for National Theatre Supply Co., with headquarters in Portland.

Most Stocks Slump Slightly

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	25⅛	24⅜	24½	+ ½	600
Consolidated Film Industries, pfd	9¼	9⅛	9⅛	.....	300
Eastman Kodak	79¾	78	78	—1½	700
Fox Film "A"	16½	16⅜	16⅜	+ ⅝	200
Loew's, Inc.	33½	32¼	32¾	+ ½	1,600
Paramount Publix	1½	1⅜	1½	+ ⅛	1,000
Pathe Exchange	1½	1¼	1⅜	.....	500
Pathe Exchange "A"	9½	9	9⅛	— ⅛	2,500
RKO	2⅞	2⅝	2⅝	— ⅛	200
Warner Bros.	8⅛	7¾	8	+ ⅛	5,600

Technicolor Gains One Half

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	⅜	⅜	⅜	.....	100
Sentry Safety Control	¼	¼	¼	.....	200
Technicolor	11¼	10⅞	11	+ ½	3,400
Trans Lux	1¾	1¾	1¾	.....	100

Trading in Warners Heavy

	High	Low	Close	Net Change	Sales
General Theater Equipment 6s '40	57⅞	53⅝	57⅞	+ ⅞	12
General Theatre Equipment 6s '40, ctf	4¼	4¼	4¼	.....	3
Keith B. F. 6s '46	46	46	46	+ ½	1
Loew's 6s '41, ex war	86½	86	86	.....	6
Paramount F. L. 6s '47	35	34	34	— ¾	7
Paramount Publix 5½s '50	32½	32½	32½	— ½	1
Pathe 7s '37, ww	80	80	80	.....	7
Warner Bros. 6s '39, wd	46¾	46	46	+ ¾	81

Purely Personal

GEORGE GERHARD will hold a special preview today on "The Private Life of King Henry VIII" for local columnists. Meanwhile, MONROE GREENTHAL has put on MEYER BECK to assist in the local exploitation of the U. A. release.

MARIA JERITZA, opera star; LEON LEONIDOFF, stage director at Radio City, and CLAUDE ALAIN, head of the French dubbing department for Fox, arrive today aboard the *Ile de France*. The singer plans to do some film work.

GRAD SEARS, in charge of Warners southern and western distribution, departed yesterday on a 10-day trip to Chicago, St. Paul, Minneapolis, Des Moines and Omaha.

LESTER F. MARTIN, business manager of Allied of Iowa and Nebraska, is taking time out from the code conferences for a short New York visit.

E. W. HAMMONS, Educational head, leaves today for the coast to discuss production problems. He will be out there about two weeks.

SHERMAN KRELLBERG of Amusement Securities has returned from Washington, where he has been attending the code meetings.

HOWARD DIETZ landed in town yesterday after a lengthy stay on the coast where he worked on "The Hollywood Party."

ROY DISNEY, brother of WALT DISNEY and his business manager, will be in town the latter part of the week.

NORMA TERRIS begins work today in "Around the Clock," a musical short, at the Vitaphone plant.

HAROLD B. FRANKLIN took his opera glasses for a walk yesterday morning en route to the office.

HARRY C. ARTHUR is now occupying MORRIS KINZLER'S office at the Old Roxy.

JAMES MELTON will head the stage show at the old Roxy Friday.

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Legal Snags on Salaries Are Seen

Pay Control Is Believed Pushed Aside

(*Continued from page* 1)

eventually emerge without any provisions of this nature.

This may result in a return to the text of the article as originally presented, and again it may not. More probable are changes in the first text, and those changes may prove to be a middle-ground attitude between salary-fixing as such and a clause which may be construable as urging general limitation on excessive salaries on the ground that their continuance is inimical to the industry's good and that therefore every effort should be made to control them.

Another unexpected development in the code parleys came tonight when Lester Cowan, executive secretary of the Academy of M. P. Arts and Sciences, petitioned Deputy NRA Administrator Sol A. Rosenblatt for a public hearing on Article 10 in the event that the original text had been at all altered. His communication asked for the right to prepare arguments designed to demonstrate that such changes, if any, would not be incorporated in the code without their intent first having been aired.

Whether this will make necessary an enforced visit from the coast of members of the Academy code committee was an eventuality which Cowan said tonight he could not answer, the text of the clause being the determining factor. Present in Washington is George Archinbaud, who is to make scenes for Radio's "Rodney" in the vicinity of the city. He is an Academy member. Expected is Albert Shelby LeVino, also a member of the Academy, and later in the week William Sistrom, supervisor of the picture, and, it so happens, a member of the Academy code committee is expected.

What Will Rosenblatt Say?

Speculative, too, is what Rosenblatt's answer will be. Since he has ruled that he will not reply to questions outside of press interviews, there appeared little point in attempting to obtain a statement. An effort was made, despite this, but the deputy administrator could not be reached.

A check of code developments in other industries, however, brought to light no case quite like the Academy's. Rosenblatt may grant the request, if he likes, and he may not. The granting of public hearings to listen to one disputed proposal in an entire code was regarded as a remote possibility tonight. More likely seemed the prospect of a private conference on the issue, since Rosenblatt has declared that the code cannot assume its final form until Article 10, regardless of contents, is finally drafted and accepted. Moreover, since he has reiterated again and again his anticipation that the code will be ready by Wednesday, disposal of the Academy developments takes on an immediate import.

On salary fixing, the major producers tonight were reported to feel that such a plan could not be enforced even if it were embraced in the code. Elsewhere there was speculation whether important stars, provided they were regulated, would not strike out for themselves by producing their own pictures, and, as employers of labor thereby, insist that the NRA properly could not restrain them from doing so.

This is the situation as it is reliably understood to prevail at midnight. The latter-day aspects of code deliberations have been subject to wild speculation, rumor, and considerable change, with the result that situations presumably agreed upon early today are being dropped or altered as new developments stalk the picture.

Snags to Salary Curb

There appears little reason to doubt that the Administration would prefer to see some sort of a halt called in skyrocketing salaries. It is the hitch legally and practically which makes any observance of it difficult and, in the opinion of some, impossible.

Tonight unrest among remaining exhibitor delegates continued to mount. They want to get back to their businesses and, not so privately, several are inquiring why Rosenblatt is keeping them here. Reports bruited about in the last couple of days that Johnson proposed taking a hand in the code formulation are believed to be without foundation. The report seems well defined that the administrator made it clear to major producers on Saturday that neither the President nor Johnson himself contemplated interfering with Rosenblatt's handling of the situation unless pronounced inequities crept in. This, Johnson is said to have indicated, is not the case.

Say Labor Snagged Supply Men's Code

(*Continued from page* 1)

workers. Labor insists that the prevailing A. F. of L. scale must prevail.

The supply dealers' initial code effort was rejected by the NRA at the public hearings here last week when it was charged that the code, drawn by National Theatre Supply and Independent Theatre Supply Dealers Ass'n, was not representative of the industry. The supply dealers were ordered to prepare a new draft more fully representative of the industry.

Cancellation Terms Held Liberal by Selling Heads

"Decidedly liberal," is the way major company sales managers here characterize the straight 10 per cent cancellation privilege on pictures which average $250 or less which was agreed upon for the industry code by company heads and Deputy NRA Administrator Sol A. Rosenblatt in Washington last week.

Although unwilling to be quoted on individual opinions of the cancellation clause, a number of sales managers estimated that approximately 39 pictures from the annual output of eight companies would be subject to cancellation under provisions of the clause. The probable distribution revenue involved would approximate more than $6,000,000, several declared, if all theatre accounts eligible to do so took the maximum cancellation privilege in every instance.

"The theatre accounts eligible for the cancellation privilege as defined," one sales manager stated, "are numerically large—they will run into the thousands and will include a substantial part of distribution revenue. Despite the fact that the clause would not apply to the large, key city houses, which belong to the selective picture contract group, it would cover virtually all of the small city and metropolitan subsequent run accounts. In this respect it is a decidedly liberal provision."

Despite Rosenblatt's assertion that there were "no strings attached" to the cancellation clause, one sales manager declared that the clause "has many angles" and he did not care to express an opinion on it until he had studied it further. He said that the distribution revenue involved "depended solely upon the number of houses which availed themselves of the privilege it afforded."

Based on the 1933-34 product announcements of the large companies, 39 features, or 10 per cent of the total announced for the season, might be cancelled. They would be apportioned as follows: Warner-F. N., 6; Paramount, 6; Fox, 5; M-G-M, 5; Radio, 5; Columbia, 4; Universal, 4, and United Artists, 4.

Kuykendall Sees 75% Of Theatres Helped

WASHINGTON, Oct. 9.—Seventy-five per cent of all theatres in America will benefit by the 10 per cent cancellation clause, according to Ed Kuykendall, president of the M.P.T.O.A. Obviously, big theatres which average over the stipulated $250 rental per picture are not included, but thousands of others are, particularly where situations are not too competitive. In densely populated centers where competition is keen, the probability is the cancellation right won't mean much on the ground that all available product will be necessary to keep theatres supplied, he adds. It is understood Kuykendall played a pivotal part in obtaining this concession from distributors. It is reported he told Rosenblatt separately, and distributors later, that the M.P.T.O.A. delegates were not hot for the code as it stood and they had to take something back to their membership. The concession will apply only where an exhibitor buys and plays a distributor's total product and in addition there looms restrictions on method of cancellation. Probably the exhibitor will have to space out rejections over a period of time and, perhaps, a given number in each quarter of the season.

Rosenblatt's Latest Word Starts Buzz

WASHINGTON, Oct. 9.—Deputy Administrator Sol A. Rosenblatt's statement to newspapermen late this afternoon that the industry code is all finished except for Articles 9 and 10, governing agents' negotiations and star "raiding," precipitated a buzz of conversation tonight.

The statement could be interpreted several ways. Some believed it indicated that Rosenblatt intended to push through the NRA code draft practically as he wrote it.

Apparently contradicting this viewpoint is the M.P.T.O.A. declaration issued Sunday night and unchanged today that that organization is still moving for elimination of score charges, designated play dates and the tying in of shorts with feature sales. A second contradictory factor is the impending code analysis by the insurgent group of independents which has been promised for Wednesday, but which may not be completed on schedule.

Several members of the exhibitor committee cannot understand Rosenblatt's statement, pointing out that certain angles of the operator labor provisions have not yet been clarified to their satisfaction. These exhibitors say they are also interested in learning through what method they are to carry the additional overhead imposed by the code as it stands. They insist that 95 per cent of the additional expense is theirs.

Distributors, on the other hand, argue that the traffic will be passed on by the exhibitors to the public in the form of higher admissions, but important exhibitor opinion prevails that this will not prevail in as great a degree as distributors say. Some exhibitors insist they cannot raise admissions at this time.

Chicago Theatres Start Code Wages

(*Continued from page* 1)

there was no change in the principles agreed upon. This, Miller indicated, referred to wages for operators, stage hands, engineers and maintenance men.

As the head of the Simansky & Miller circuit, Miller advised that his houses were immediately conforming to the Rosenblatt scale, and urged members of his organization to do likewise without waiting for the President's approval of the completed code. Miller's action is the first definite result of the code hearings, and locally means that there will be an increase for cashiers from 26 to 35 cents per hour; ushers, from 17½ cents to 25 cents, and watchmen from 20 to 35 cents. The B. & K. extra weekly outlay will be between $4,000 and $5,000, with an extra outlay for other circuit members making a weekly total of about $8,000.

No Delay for Independents' Moves

Studio Labor Terms First Set in Code

WASHINGTON, Oct. 9.—Studio labor which had the edge on the rest of the code provisions in that the producers' offer of 36 hours' work for 40 hours' pay met with immediate acceptance at the first hearings today is entirely out of the woods, thus becoming the first major classification to be so. Two stumbling blocks no longer remain.

Following conferences with Deputy NRA Administrator Sol A. Rosenblatt, Howard Hurd, representing the International Photographers' Local 659, I.A.T.S.E.; Charles Boyle, representing the United Scenic Artists, and M. Jasper withdrew their objections and left for Hollywood completely satisfied with the code as affecting them. It had previously been reported that cameramen were dissatisfied with the provision which stipulated that they cannot be relieved of their duties while a picture is in production and be replaced by other cameramen.

Rosenblatt declared sound technicians, whose objections to work wage conditions constituted the second hurdle, are now satisfied. Acceptance by cameramen is a victory for the producer and settles the argument that switches would impair production quality. This does not indicate that changes in crews will not be made, but, rather, leaves it discretionary with the producer.

Machinists waited on Rosenblatt this morning complaining that the code offered them no benefits, but after his explanation the emissaries departed contented.

Roxy Loses Appeal Over Use of Name

(*Continued from page* 1)

decision on May 15 in which he upheld the contention of the Roxy Theatre Corp. that the name could not be taken from it.

The old theatre has used the name under a contract made about the time of its construction in 1925. Under an agreement made later use of the name was to have terminated Sept. 11, 1932. Rothafel, in the meantime, had contracted to permit Radio City to use the name.

Suit to prevent use of the term Roxy at the old theatre was brought against its receiver by receivers for RKO and Rothafel personally. A special master and the U. S. District Court held that the Old Roxy might not use the name, but the Circuit Court of Appeals, with Judge A. N. Hand dissenting, held that it might. After this decision the RKO receivers dropped the case, but Rothafel attempted to secure a review by the U. S. Supreme Court.

RKO recently stated the new name for its Roxy would be RKO Center.

In Washington Once More

WASHINGTON, Oct. 9.—They're burrowing in at the Mayflower now. Topcoats are beginning to appear and the codifiers are settling down for a long siege.

•

Sol Rosenblatt, it might be well to remember, made no promises that the code would be finished Wednesday. He merely said he hoped and planned so. There's nothing certain about all of this.

•

Bill Jaffee's been having a tough time. That cold of his didn't clear as rapidly as he and the doctor thought. The stream of visitors into his quarters has been steady. Bill is flattered at the attention he has been getting from topline executives.

•

Much long distance telephoning between Washington and Hollywood on that ol' Davil, Article 10.

•

Nathan Burkan has been very active on the agency situation which means Article 9.

•

Dave Palfreyman is improving. He spent several days in bed last week.

•

Harry Cohn called his brother. The Mayflower operator reported no Jack, but a John S. Cohen, Georgia Senator, whose son and namesake covers pictures on the *New York Evening Sun*. As a matter of fact, Jack had not left the hotel all day.

•

E. A. Schiller emerged from 936 about 6 o'clock Sunday and hit the air for the first time that day. He developed a yen for oysters and satisfied it across the bar at O'Donnell's.

•

Ed Raftery has found out that holding on to his sense of humor is an important something in a killing grind like this.

•

Schiller, incidentally, dropped in on Carter Barron, city manager for Loew's here, and wondered if he'd get by the doorman at Loew's Fox. He did. Three newspapermen groaned and cursed their luck.

•

The telephone gag was pulled again the other night. Julian Brylawski of the local M. P. T. O. A., Sam Wheeler, Fox manager, and Nelson Bell of the *Washington Post* bit hard.

•

Rosenblatt was looking forward to a day in the country on Sunday. He spent it in his office—from 9:15 on. Twelve hours later he was seen hurrying into the upper regions of the Mayflower.

Insurgents' Analysis May Be Set Back

(*Continued from page* 1)

rent situation may be likened to a raft on which they stand, and without it to lean on they will either have to sink or swim. This viewpoint maintains that haste must be avoided, for the simple reason they cannot afford to hurry the task, as it requires the most careful attention.

At the same time the analysis is described as proceeding as rapidly as possible without endangering the job in hand. The impression is current in their minds that a few days beyond the promised date cannot make much difference when the situation, as they see it, means so much to their future. They believe the President and other officials in the NRA will willingly recognize this, although they are making no effort to create the impression this viewpoint represents the official attitude.

In the meantime the code will advance to completion "with or without analyses," Rosenblatt declared tonight.

Strike Talk Stirs Among Coast Actors

(*Continued from page* 1)

Directors are talking of forming their own guild, although no official movement has been started toward this as yet.

Local reactions from the producers' angle are that it would be impractical to limit the earning power of front line stars to any fixed amount. However, it would be practical, some say, to pay $2,000 per week, with added contract provisions calling for a percentage of picture profits. It is admitted that studio executives' salaries could be set within the limit. One argument heard is that it doesn't matter what actors are paid if their pictures return a profit.

Cohn, Long Due Today

Harry Cohn, president of Columbia, and Ray Long, newly appointed scenario editor, are due from the coast today for home office conferences regarding new story material.

Circuit Court Refuses Move In Para. Case

(*Continued from page* 1)

in U. S. District Court here last June, had already been denied by the appellate court, and could not be appealed a second time.

Justices Manton, Hand and Chase of the appeals court reserved decision on another appeal from an order of Federal Judge Francis G. Caffey directing the payment by the Paramount trustees of all fees connected with the equity receivership. About $200,000, said to be principally in attorneys' allowances, is involved. The court gave Samuel Zirn, attorney for a Paramount bondholders' group, and the author of both motions, until Wednesday to file additional briefs in connection with the latter motion.

Zirn also has before the appeals court a motion seeking to appeal a decision of last summer denying the removal of Charles D. Hilles, Eugene W. Leake and Charles E. Richardson as Paramount trustees, and Henry K. Davis as referee in bankruptcy for Paramount. A ruling on the motion is expected within the next week.

Coast Indies Talk Over Stand on Code

(*Continued from page* 1)

Hoffman, president. Other meetings will be called, it was said.

One member of the group, who refused to be quoted, said that it was "probable" they would not sign the code, "as its present provisions would drive all independents out of business. It condones certain practices which are detrimental to our interests and gives major companies the weapon of refusing to sell to theatres in which we have placed films," he said.

Reports Nathanson Seeks Circuit Buy

(*Continued from page* 1)

mont-British financial interests. Nathanson is now operating partner of the Paramount Canadian theatres.

The acquisition of additional theatres by Famous Players Canadian is understood to have been sidetracked by the negotiations reported under way between Nathanson and Paramount.

Neither Ralph A. Kohn, in charge of Paramount Publix theatre operations, nor S. A. Lynch, in charge of the company's theatre reorganization, could be reached last night for comment on the reported offer by N. L. Nathanson.

J. A. Fazenda Dead

HOLLYWOOD, Oct. 9.—Joseph A. Fazenda, father of Louise Fazenda, is dead from a heart attack. He was 73 and had been ill a short time.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 86 NEW YORK, WEDNESDAY, OCTOBER 11, 1933 TEN CENTS

SALARY-FIXING DROPPED; NEW NRA CODE '85% O. K.'

Actors' Guild Will Not Join Equity-Cantor

HOLLYWOOD, Oct. 10.—Eddie Cantor, in an exclusive interview today, spiked the persistent rumors that the Actors' Guild would affiliate with Actors' Equity, with local autonomy. He also denied the organization would ever affiliate with any other group, though it has been hinted from inside sources not connected with Cantor that the guild might sooner or later be forced to become affiliated with the American Federation of Labor.

Cantor emphasized that the guild is a Hollywood organization for Hollywood actors in all classifications engaged in screen work, that they are in no way a belligerent body, but that they think when the final code is adopted it will be fair enough to

(*Continued on page* 10)

Deny Nathanson Is To Get Big Circuit

Reports from Toronto that N. L. Nathanson, head of Famous Players Canadian, was here to negotiate for outright purchase of the Paramount Canadian subsidiary, were denied yesterday by Ralph A. Kohn, head of Paramount Publix theatre operations.

Operating reports of the Paramount trustees have revealed the Famous Players Canadian circuit to be among the most profitable theatre properties of Paramount, which is regarded here as a strong argument against the likelihood that it will be disposed of.

Warner Anti-Trust Suit Off to Nov. 6

Trial of the Department of Justice anti-trust suit against Warners, an outgrowth of the company's acquisition of First National was adjourned again, this time to Nov. 6, when the case came up on the U. S. District Court calendar here yesterday.

Although official expressions cannot be obtained from either Attorney General Homer S. Cummings' office

(*Continued on page* 11)

About 85% of Code Settled, States Deputy

WASHINGTON, Oct. 10.—Estimating 85 per cent of the industry code is now in final form, Deputy NRA Administrator Sol A. Rosenblatt tonight saw to it that necessary copies were forwarded immediately to the labor, consumers', research and planning, industrial and labor boards of the NRA for immediate study in the expectation that these five boards, which must pass on all industry codes, will be ready to submit reports by the end of the week.

Rosenblatt said he had reason to believe these bodies had nothing of a pressing nature ahead of them which

(*Continued on page* 10)

Demountable Plans For Theatres Set

Demountable theatres, made of interchangeable steel beams and ranging from 278 to 600 seats each, have been patented by Pix Theatres Corp., newly organized under New York state laws. Frank R. Wilson, formerly vice-president of Principal Distributing Corp., and John S. Clarke, Jr., are sponsors and say the plan which was patented in Washington two weeks ago makes possible construction of

(*Continued on page* 11)

Article 10 Is Swung Back to the Original Proposal—Agents Are Restricted; Parleys Nearing End

By RED KANN

WASHINGTON, Oct. 10.—Efforts to regulate star salaries through a salary-fixing board passed entirely out of the code tonight when Deputy NRA Administrator Sol A. Rosenblatt issued a second revision of the pact containing the highlights of the original Article 10. Generally it was made up of the same provisions included in the producers' code delivered to the NRA on Aug. 23, but with a number of changes which Lester Cowan, executive secretary of the Academy of M. P. Arts and Sciences, declared were much more vigorous and applicable to a greater number of players in Hollywood than the first provisions covered.

The second NRA draft to be issued within a week demonstrated itself to be more specific as to language. According to Rosenblatt, it is 85 per cent set as to acceptance by different groups with the exception of the insurgents, who, it appeared tonight, will rate little or no attention. Insofar as language and intent are concerned, the deputy declared the second revision was 90 per cent identical with the first.

Making good on his promise that the much-disputed Articles 9 and 10 would be ready by Wednesday, the complete text, as issued tonight, contained them.

No Final Date Set

As close to the finish line as Rosenblatt declares the code to be, he continued to be cautious in his statements. For instance, he refused to make comment on when the code would go to General Hugh S. Johnson for the approval which precedes inspection and signature by the President.

He conceded that while 85 per cent was agreed upon, the remaining 15 per cent presented need for additional

(*Continued on page* 6)

"Riders" for Sales Pacts Are Approved

WASHINGTON, Oct. 10.—Distributors may insert "riders" in the standard optional license agreement under the general heading of individual sales policy, it is provided in Part 1, Section F, of the second NRA code draft made public here today.

This provision was anticipated and, as a matter of fact, was insisted upon by distributors. The second draft adds this closing sentence to the clause which appeared in the first

(*Continued on page* 10)

Allied's Anti-Code Fight By Wires Irks Rosenblatt

WASHINGTON, Oct. 10.—Insurgent exhibitors will get no consideration in last-minute deliberations to formulate a code, Deputy Administrator Sol A. Rosenblatt strongly intimated tonight upon discovering that a flood of telegrams received in protest to the NRA code had its origin in an organized campaign sponsored by various Allied States units.

While awaiting copies of the second NRA draft, which now looks as though it would be the final code for the industry, Rosenblatt was given two bulletins. One was dated Oct. 8, and sent out by Allied of New Jersey. The second, dated Oct. 9, was sent out by the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware. Both bulletins were sent to members of those organizations and ordered the recipients to flood President Roosevelt and Administrator Hugh S. Johnson with telegrams solicited from their employes, local club women, newspapers, bankers and merchants calling upon them to pro-

(*Continued on page* 10)

Still Speculate on Allied Dual Stand

WASHINGTON, Oct. 10.—Curiosity is still rife over why Allied informed Deputy NRA Administrator Sol A. Rosenblatt recently that its delegates could not agree on disposal of the double bill question.

A man who says he has had access to the vote on the issue, as taken at the code-forming conferences in New York, asserts the record shows all

(*Continued on page* 10)

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NRA MEMBER U.S. WE DO OUR PART

Roach to Celebrate 20 Years in Films

HOLLYWOOD, Oct. 10.—The Hal Roach studio is planning for a big festive week near the first of the year to celebrate Hal Roach's 20th year in the picture business.

It was 20 years ago in January that Hal Roach and Dan Lithicum organized the Rolin studio.

Reeves Opens Own Studio

Hazard E. Reeves, former sound director at the Standard Sound Studios, is now on his own, having opened a recording studio at 1600 Broadway, New York City. He will do synchronizing, dubbing on film and on disc, electrical transcriptions and recording on location. All work will be under his supervision.

"Footlight" Cleaning Up

Record week-end business at the Strand is reported by Warners for "Footlight Parade." The picture pulled in $23,020 Saturday and Sunday, playing to 30,607 customers. The scale was boosted to 99 cents the two days. The first four days of the picture's run grossed $45,481.

Cohn on Way East

HOLLYWOOD, Oct. 10.—Harry Cohn has left here by plane to attend a meeting of Columbia directors in New York.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Looking 'Em Over

"The Big Bluff"

(*Tower*)

Reginald Denny in the role of a bogus lord held a Loew's New York audience in titters. Doing an act on a small town stage, Denny and his performers are recruited by Donald Keith to put on a like performance at his home. The reason is that his mother is upset over a neighbor having as her guest a lord, Cyril Chadwick, who is the talk of the village.

Various humorous situations arise which nearly upset the plan, but Denny sees it through because he knows Chadwick is a crook out for new victims. The hero falls in love with Claudia Dell, sister of Keith, and the romance almost goes on the rocks until it is revealed that Denny is in reality a lord. The thief is apprehended just as he is about to make a cleanup at a party in the heroine's home.

In addition to Denny, Miss Dell, Chadwick and Keith are J. D. Prouty, Phil Tead and Alden Gray. It seemed to please an afternoon audience at the Broadway house.

Krimsky to Delete "Emperor" Dialogue

As a result of protests registered by Negro newspapers, colored organizations and leaders of the race here, John Krimsky, co-producer with Gifford Cochran of "Emperor Jones," has agreed to delete the word "nigger" wherever it appears in the picture's dialogue from prints booked into colored houses. The word occurs in the film 34 times. A revised print with the deletions made was shown in a colored house in Washington last week.

The original print will be left unchanged for all bookings at white houses, Krimsky states.

Disney Gets Award

Walt Disney has been awarded a diploma by the Academy of Fine Arts in Buenos Aires for his cartoon creations, according to word received here. The early part of this year a similar honor was conferred upon the creator of Mickey Mouse by the National Academy of Arts and Letters in Havana. Guy P. Morgan, general manager for United Artists in South America, will bring the award with him on his visit to New York in November. The formal presentation will be made in Hollywood.

Releasing Pigskin Film

Principal Distributing Corp. on Oct. 15 will release "The Kick-Off," three-reel football subject with many prominent football personalities.

McKee Film Workers Name Their Leaders

The McKee for Mayor campaign committee has appointed Wayne Pierson of Weldon Pictures chairman of its stage, screen and radio division. J. J. McCarthy of Paramount was appointed associate chairman, and Charles L. O'Reilly, president of the T. O. C. C., chairman of the motion picture division.

The campaign committee will stage a luncheon at the Motion Picture Club for all interested members of the industry some time next week, the date to be announced later.

Meyer Golden Passes

Meyer Golden, one of the foremost producers of units for RKO vaudeville and picture houses, died early yesterday of a heart attack while asleep. He was 63 years of age. Golden had been ill for the past 10 years and returned from abroad about a week ago where he had gone to take a cure. He is survived by two sons, Maurice and George, who will continue in the business. Among his various productions are "Russian Art," "Garmark," "Blue Bird," "Four Golden Blondes" and "Night in Spain."

Arliss Arrives Today

George Arliss arrives from England today aboard the *Europa*. The actor will proceed immediately to the coast to make "The House of Rothschild," a 20th Century production, with "Sentenced" following.

Most Stocks Slump Slightly

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24⅞	24	24	— ½	400
Consolidated Film Industries, pfd	9⅜	9¼	9⅜	+ ¼	300
Eastman Kodak	78¾	78	78	.....	900
Fox Film "A"	16¼	16⅛	16⅛	— ¼	100
Loew's, Inc.	33	32	32¼	— ½	1,300
Paramount Publix	1⅝	1½	1⅝	+ ⅛	500
Pathe Exchange	1½	1½	1½	+ ⅛	200
Pathe Exchange "A"	9⅜	8⅞	8⅞	— ¼	700
RKO	2⅞	2⅞	2⅞	+ ¼	100
Warner Bros.	8	7⅝	7⅝	— ¼	2,200

Curb Stocks Inactive

	High	Low	Close	Net Change	Sales
Technicolor	14	11⅝	12¼	+ ¾	19,500
Trans Lux	1⅝	1⅝	1⅝	— ⅛	300

Warner Bros. Rises 3/8

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5⅝	5¼	5⅝	+ ⅛	3
Keith B. F. 6s '46	45¾	45⅝	45⅝	— ⅜	2
Loew's 6s '41, ww deb rights	86	86	86	.....	1
Paramount F. L. 6s '47	31⅛	31⅛	31⅛	+ ½	1
Paramount Publix 5½s '50	31½	31½	31½	+ ⅜	1
Warner Bros. 6s '39, wd	46⅞	46½	46⅞	+ ⅜	5

Purely Personal

HOWARD J. GREEN, associate producer for Radio, will be in New York within the next few days on a month's vacation. While here he will search for possible picture talent.

MRS. MAUDE SMITH has arrived at the Warwick from Hollywood to join her son, STANLEY SMITH, who is appearing on Broadway in "Hold Your Horses."

ROSEMARY AMES, American girl who has been appearing on the London stage, is on her way to Hollywood to play in Fox pictures.

MICHAEL JACKSON of the M-G-M publicity department will have his first novel, "Whistle for Me," out on the book stalls today.

MORRIS BLEENDEF, president of the Reliable Display Corp., constructed the front on the Strand for "Footlight Parade."

JOSEF BERNE, independent producer, expects to return to the coast sometime next week.

Infra-Ray Red Film Is Shown in London

LONDON, Oct. 10 (*By Cable*)—A revolutionary demonstration of the infra-red process was given here last night, when pictures taken in the dark at a meeting of the British Kinematograph Society were screened the same evening. It was stated to be the first public demonstration ever staged and claimed to open unlimited possibilities for filming. A brilliantly clear picture was obtained.

Fox Has 5 on Broadway

Fox is well represented on Broadway this week, with five films. They are "Dr. Bull" at the Music Hall, "Berkeley Square" at the Gaiety, "Charlie Chan's Greatest Case" at the old Roxy, "My Weakness" at the RKO Roxy and "The Good Companions" at the Mayfair.

Columbia in Tokio

Columbia will open a distribution branch in Tokio this week, the company states. This addition to Columbia's foreign distributing organization will be followed later with the opening of additional branches in the Orient, according to the company's plans.

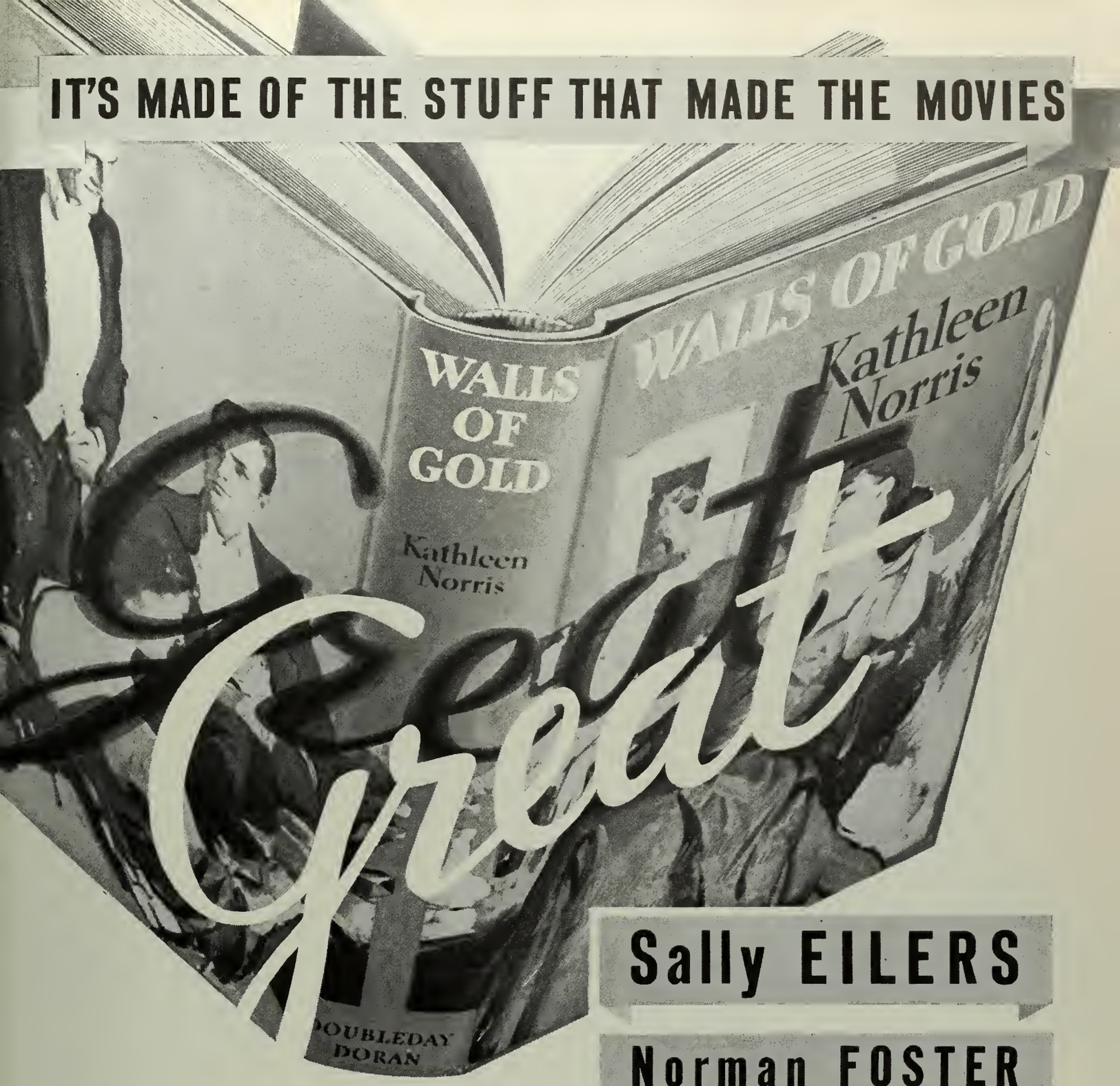
Pollard Opens Oct. 21

"Bud" Pollard will formally open his studios at Grantwood, N. J., Oct. 21 with a dinner-dance. The Art Kahn and Paul Sabin orchestras will supply the music. "Dance Hall Dames" will be the first feature to be put in production at the plant.

Educ'l Signs More Stars

Educational has signed a number of stage and radio stars for its shorts to be produced at the former Paramount Astoria studios. Among those signed are Milton Berle, Lillian Roth, Bob Hope, Tom Patricola and Ernest Truex.

IT'S MADE OF THE STUFF THAT MADE THE MOVIES



KATHLEEN NORRIS'

sensational seller

Stirring revolt of a wife against a man who used their marriage as a smoke screen for his indiscretions...and repaid her loyalty by refusing her the right to motherhood. A woman's picture of tremendous emotional appeal... with gorgeous settings, stunning gowns.

Sally EILERS

Norman FOSTER

Ralph MORGAN

ROSITA MORENO

ROCHELLE HUDSON

Directed by KENNETH MACKENNA

JOIN THE UPSWING WITH FOX

Sizing up the New Deal..

WELL, I SEE "FOOTLIGHT PARADE" IS IN! GROSSED ABOUT 25 PERCENT OVER "GOLD DIGGERS" TH FIRST WEEK-END IN NEW YORK, THEY TELL ME.....I'M FIGURIN ON JUMPIN MY SCALE AN HOLDING IT A WEEK LONGER THAN "DIGGERS."

YEA, AN BY THE TIME YOU GOT *THEM* SET IN YOU'LL HAVE ABOUT HALF A DOZEN MORE BACKED UP WAITIN FOR DATES. I OUGHTTA BE GIVING 'EM THIS FOOTBALL SHOW "THE COLLEGE COACH" RIGHT NOW, BUT THAT MEANS MOVING BACK THE NEW CHATTERTON AN KAY FRANCIS PICTURES.

NRA MEMBER

Vitagraph, Inc., Distributors

THE ONLY THING THAT'S WORRYIN ME IS THAT WARNERS ARE FIRIN' SO MANY BIG SHOWS AT ME I CAN HARDLY HANDLE EM. "PARADE" IS GONNA TIE UP MY FIRST RUNS FOR 3 WEEKS ANYHOW, AN THAT MEANS I GOTTA HOLD OFF ALL THAT TIME WITH STANWYCK IN "EVER IN MY HEART," MUNI IN "THE WORLD CHANGES," AN POWELL'S "KENNEL MURDER CASE."
JIM'S THE BIG WINNER TONIGHT, ISN'T HE? BOY, HE NEEDS IT WITH THAT PRODUCT HE'S STUCK WITH! CAN YOU PICTURE ME PLAYING SHOWS LIKE "ANTHONY ADVERSE," "WONDER BAR," AND "CONVENTION CITY" RIGHT ACROSS THE STREET FROM HIS SHOOTING GALLERY? BETTER STICK TO POKER, JIM, AN GIVE UP SHOW BUSINESS, WHEN YOU GOTTA BUCK OPPOSITION LIKE THAT!

New Code 85 P. C. Completed

Salary-Fixing Plan Is Out Of New Code

(*Continued from page* 1)

meetings with various groups. What these meetings would be and with whom were something he likewise refused to outline, although one of them will be with the exhibitor committee on labor Wednesday morning. Volunteering the information that some groups had signed, Rosenblatt was silent on details. He refused to list the names or the groups by industry divisions. Another possibility is that some clauses as they now stand will be changed further. This depends on the outcome of the meetings, the nature of which he declined to discuss.

Substantial portions of the second revised code have undergone changes in text and position in the document as it now stands. Substantial portions likewise appear as they did in the first NRA draft. The preamble now embraces 15 trade definitions as against the original 17 and, while many are identical with those which appeared in the first draft, several are not.

Definitions of agents' and artists' bureaus are not included. Also eliminated is the definition of a contract.

Authority for Same

Exposition of code authority and its function is essentially the same, while, just as the first draft had left blank personnel of this important body, likewise does the second. Rosenblatt stated he was not ready to list the names of those who will serve on it.

There are, however, three new clauses in the code authority section. These are listed as Numbers 8, 9 and 10. The first vests in the body the right to prescribe additional rules governing the conduct of producers, distributors and exhibitors among themselves and with each other. These are listed as Numbers 8, 9 and practices if approved by the administrator.

Number 9 gives code authority the right to use facilities of regional and local trade associations, if it so decides, to further its operations.

Number 10, which exhibitors consider a concession, stipulates no member of code authority shall sit on any matter involving his company or his own interests "directly or as a class."

The labor provisions, troublesome clauses in the eyes of the exhibitors, indicate theatre men have lost their fight to have the prevailing wage scale for operators as of July 1, 1933, when summer cuts went into effect, prevail. The code reiterates that the scale as of Aug. 23, 1933, when summer cuts had been restored generally, is to be the rule. Exhibitors tonight were studying these provisions anew and had not indicated to Rosenblatt whether or not they would accept them.

Board for Players

An entirely new provision, for which the Academy through Cowan, claims credit, concerns free-lance players, of whom, Cowan says, there are several thousand in Hollywood. The provision calls for a standing committee representative of employers, free-lance players and the public to pass on grievances and problems governing the working conditions under which this type of performer is to proceed. Code authority will supervise this activity. This, therefore, remains the situation to be determined at some future date.

Much interest centers around what was Article 9 in the producers' code, which now is listed as Part 4. It places the handling of agents who, producers have insisted, must be controlled in code authority. Producers are forbidden to transact business with agents who offer gifts or gratuities to producers or employes. They are forbidden to alienate or entice employes under written contract from their present employment, to knowingly make false representations to any producer in negotiations.

Wide power to control agents is further vested in code authority, which retains the right to license agents, such license to be in addition to any required by state or municipal law, and also the right to suspend, revoke or cancel such license, if the agent is found guilty of code violations. In the offing is a set of fair practices governing the relations of agents and producers.

Participation of any producer, or an employe of any producer, in the agency business will be out with the signing of the code unless notice is furnished code authority 20 days from the date on which such an interest is acquired.

Administration Favors Plan

Failure to set up a salary-fixing commission follows details published in previous despatches to MOTION PICTURE DAILY. The Administration, it is known, favors such a plan and by so declaring originally gave major producers a thought which they had not entertained earlier. Efforts to set up a board, however, met opposition from within, the Hays member companies failing to agree among themselves on the much-discussed issue. Indications are, therefore, that producers, by returning to what is essentially their original proposal, have scored a victory. Doubt over the legal aspects of any salary-fixing commission also played a vital part in the decision which tonight was reported to have been furthered along following the meeting which Nicholas M. Schenck had with General Johnson on Monday.

No Secret Agreements

The article, now listed as Part 5 of the producer section of the code, bars producers from secret agreements or fomenting discord among employes under contract to another producer. It bars negotiations of any description prior to the last 30 days of an expiring contract, but free-lance players are covered in a separate clause. Where a competing producer makes a bid for service within the confines of the limiting clause he is compelled to inform the employing producer of his offer and to outline fully the terms and conditions of his proposal.

If the employing producer meets terms and conditions, the bidding ends, but the player so involved will retain the right to determine whether he prefers to continue with the old employer or join the new one. In the case of talent under written contract for at least one year, or for three pictures, inclusive of options and where the salary is not less than $250 per week, or more than $2,500 per picture, the employing producer is to be given the right to match the competing offer within three months after the contract so involved expires in all of those instances where the player earns less than $1,000 a week, or less than $10,000 per picture. Other classes of players covered are those not under written contract but who earn not less than $250 per week, or $2,500 per picture, as well as those under written contract for a period of less than one year where the salary is the same.

Registrar is Provided

Replacing the administrative committee proposed originally by producers will be a registrar cloaked "with full power and authority to determine the good faith of any offer made." He will also designate whether the period in which to meet competing offers is to be three or six months. The registrar tonight was likened to the post formerly held by Edwin J. Loeb, prominent coast attorney, under the arbitration agreement signed some time ago between the Academy and major producers.

If code authority, or any committee, appointed by it for the purpose, discovers any producers or employe has refused to meet the mandate of this clause, it may order all producers to refrain from hiring any such employe for whatever period code authority may designate. The teeth in this provision go beyond and give code authority the right to call it an unfair trade practice for any distributor or exhibitor to sell or to show any picture produced by, or with the aid, of such person regardless of how or where such picture is made. Thus it becomes apparent culprits will be forbidden from leaving one producer for another and continuing the same violation.

Section 8 of this division in the code is loaded with dynamite. It empowers code authority to "impose restrictions, prohibitions or conditions" as it may deem proper upon the distributor and exhibitor of pictures produced by any producer who "deliberately, willfully or persistently violates any of the provisions of this part." The registrar will be appointed and removed by code authority.

Other major changes include the readjustment in the personnel or grievance and zoning and clearance boards as announced by Rosenblatt and published in the MOTION PICTURE DAILY last Saturday. Likewise the code details terms of the 10 per cent cancellation privilege as reported on the same day.

No Cheers on Labor

Washington, Oct. 10.—Retention in the second NRA code submitted tonight of Aug. 23 as the determining date on which operator wage scales are to prevail elicited no cheers from the exhibitor committee tonight.

They had been moving for July 1 as the date and generally believed they would win their point. Aside from the date, the changes in the labor provisions are slight and generally clarify formulas under which disputes are to be determined.

At a late hour tonight the exhibitor committee and other codifiers were still studying the new code and had not signified to Rosenblatt whether they were willing to accept his decisions on labor. They meet with him Wednesday morning in an effort to finally reach a solution.

Authority Is Vested with Full Powers

Code Delaying Union Parleys In K. C. Area

KANSAS CITY, Oct. 10.—Code discussions are delaying new labor contracts in the Kansas-Missouri territory, according to Felix Snow, stage employes' business agent in Kansas City and regional representative of the I. A. T. S. E.

Contracts with unions which expired Aug. 31 have not been renewed by Fox Midwest and other theatres in Kansas, pending completion of the code, said Snow. The same holds in Kansas City, Kan., where theatre owners have presented union demands to the district NRA representative. The operators' union in that city has decided to await adoption of the code before pressing its claims. The I. A. T. S. E. general office has sent out instructions to that effect, it is said.

Outcome Hinges on Clauses

Outcome of Dubinsky Bros.' fight with the operators' union in St. Joseph, Mo., also hinges on labor clauses in the industry code. A recent attempt to conciliate differences under authority from the National Labor Board, met with failure when the union local refused to waive existing contracts providing for two-men-in-a-booth.

Contracts calling for two men to a shift run to Dec. 1. The Dubinskys ask a reduction in manpower at their three houses in St. Joseph and allege they were forced to sign present contracts under duress. To fight the union, they said, meant violence in the form of stench bombs and fire.

Kuykendall Outlines Code Gains

Calls Boards "Outstanding Achievement"

WASHINGTON, Oct. 10.—The outstanding single achievement in the code to date has been recognition of the principle that there must be a clearing house to which every man with a problem may take it, declared Ed Kuykendall, president of the M. P. T. O. A. today. That the code provides such machinery through formulation of grievance, zoning, labor and arbitration boards and of the code authority is recognition, therefore, of "the first principle laid down by the M. P. T. O. A.," he asserted. Following is his statement:

"Because there are so many varied and different opinions as to what the proposed first revision of the code, as submitted by Rosenblatt, does and does not do, the M. P. T. O. A. feels that the exhibitors of this country are entitled to a fair and impartial analysis of what has been accomplished up to now, holding in mind, that as we issue this statement, further revisions of the proposed code are being made.

"The M. P. T. O. A., up to the present time, has been working on the formulation of a code that would be fair and impartial to all interests alike. We have been ever mindful that we are representing thousands of small theatre owners who are unable to represent themselves at these code hearings and we are trying, with every bit of energy in our beings, to protect them. We feel that the theatre owners are entitled to every consideration in the way of fair trade practices and in the correction of the evils and abuses that have so long beset our industry.

"Given Up Nothing"

"Contrary to all of the wild rumors and reports that 'we have given up everything and gained nothing,' we wish to say to the theatre owners throughout this country that we have given up nothing, nothing we ever had and, quite to the contrary, have gained much that we never had. So, with these thoughts in mind, we are proud to point out to the theatre owners of America what we have gained up to this point, asking that you keep in mind that we are still contending for those things that we think are constructive and will be most helpful to the motion picture industry as a whole—because no one phase of this industry can survive without the rest of it functioning:

1. **Self Regulation**—The greatest single achievement in the whole code has been the recognition of the first principle laid down by the M.P.T.O.A. that there must be a place for every man with a problem to go. We have steadfastly maintained if there is to be a code of fair competition it must provide a method for correcting the long existing evils and abuses in this industry as they have existed and arise. In this fight we have been victorious. Under the new system of boards and the national code authority there is a place for every wrong to be righted and where every man, large or small, can find relief from unjust discriminations.

These boards are four in number and cover every field of exhibitor activities.

(a) *Zoning and Clearance Boards,* to correct all abuses which may come up from unfair discrimination and excessive protection.

(b) *Grievance Boards,* to correct the evils of over-buying, unfair withholding of product and playdates, unfair competition between theatres and any other justifiable complaint of a wrong suffered or injustice done.

(c) *Arbitration Boards,* to adjudicate all complaints arising under contract.

(d) *Labor Boards,* for the arbitration of all disputes arising between employers and employes with the power to forbid lockouts, strikes, and sabotage.

(e) *The Code Authority,* a national board with unlimited powers and government representation to review the findings of any of the preceding local boards on appeal. To initiate investigations of its own and to enforce the provisions of this code fairly and impartially.

Under this system of self regulation we feel that 90% of the problems can be fairly dealt with.

2. **Labor**—We have successfully opposed the demands of labor for two men in the booth. We have successfully opposed their demands for A. F. of L. intervention in non-union situations.

3. **Uniform Standard Contract**—An understandable contract of identical and uniform provisions binding on all distributors alike, approved and enforced by Government authority.

4. **Definite Availability and Forced Release**—Whereby protection periods run automatically against prior runs to insure availability of product within a given time to the subsequent run thereby preventing the arbitrary withholding of product by the prior run.

5. **Eliminations**—A flat elimination of 10 per cent of product where the average price per picture is $250 or less on group license.

6. **Designated Playdates**—On a given day of the week cannot be arbitrarily forced by the exchange without the consent of the exhibitor at the time of contract, and even where so contracted the designated date may be changed if unsuitable to exhibitor's patronage on the designated date.

7. **Tying Shorts with Features**—Sharp restrictions designed to prevent forced buying of more shorts than exhibitor requires.

8. **Forced Booking of Shorts with Features, or Vice Versa**—This practice is outlawed where optional arbitration clause is agreed to by exhibitor.

9. **Overbuying**—Prevented where done for the purpose of depriving competitor of product.

10. **Substitutions**—Definitely defined with acceptance optional with exhibitor.

11. **Poster Exchanges**—We have successfully opposed the demands of distributors to eliminate poster exchanges.

12. **Intimidation and Coercion**—By threats of competition to induce exhibitor to sign a contract are prohibited.

13. **Distributors' Employes** — Prohibited from using positions to interfere with competitive buying where such employe has interest direct or indirect in competing theatre.

14. **Non Theatricals**—Prevented where unfair competition to established theatre.

15. **Box-Office Receipts**—Confidential information and its divulgence by a distributor or agent is prohibited.

16. **Price Adjustment**—Provided for where contract is bought on an average price per picture and all pictures not delivered.

17. **Compulsory Identification** — All pictures must be designated by reference to star, director, author or descriptive synopsis on contract.

18. **Selective Contracts**—Notice of selection or rejection must be given within 21 days of date of availability, thus speeding up availability for subsequent runs.

19. **Unfair Competition**—Rebates, script books, lotteries, coupons, throwaways, two-for-ones and other similar methods of unfairly reducing admission prices are prohibited.

20. **Premiums**—Prohibited by vote of 75 per cent of theatres in a given clearance zone.

21. **Interference with Possession**—Interference with negotiations or peaceful possession of a theatre by one exhibitor over another is prohibited.

22. **Inducements to Breach Contracts**—Or to procure unfair advantages or to deprive another of product are prohibited.

23. **Exhibitor as Distributor's Agent**—Under instructions to forward film, the exhibitor for this purpose acts as the distributor's agent.

Dual Features and other similar matters—The M.P.T.O.A. has always maintained that these are matters for local determination, and it has never sought to dictate to its units their policies. We feel that conditions throughout the country are so varied that this, and similar problems should be left to local determination."

Rosenblatt Explains Why Right To Buy Cannot Be Put in Code

Washington, Oct. 10.—Why the right to buy did not, and, in his opinion, could not go into the code was explained by Deputy NRA Administrator Sol A. Rosenblatt tonight. He has said in exhibitor conferences there weren't two theatremen who agreed exactly on how any right to buy arrangement would work in any given case.

Tonight he pointed out how the value of films depended on the run and cited the local Washington situation where one first run gives the distributor more money than all the subsequents combined. In a case, for instance, where a picture is sold on 30 per cent, he said it became obvious that the small theatre charging 10 cents could not deliver the same performance in money as a larger theatre charging 50 cents, and he asked where the distributor would get off on such a basis.

This, in other words, is another slant on the right to sell which Rosenblatt has maintained all through the parleys is just as important as the right to buy. It is still his idea that code provisions limiting over-buying and providing for settlement of disputes through grievance boards and the code authority will prove the answer to the right to buy question, although not under that slogan.

Rosenblatt to Talk To Wisconsin MPTO

WASHINGTON, Oct. 10.—Deputy NRA Administrator Sol A. Rosenblatt today accepted the invitation of Fred Meyer, president of the M. P. T. O. of Wisconsin, to address the annual convention of the organization at Milwaukee during the first week of November. He is slated to speak on the industry code.

Rosenblatt already has an invitation to address the Southeastern Theatre Owners Ass'n. convention at Atlanta the end of this month, and expects to be able to attend.

Independents In Hollywood Wire Protest

HOLLYWOOD, Oct. 10.—Sam Wolf, counsel for the I.M.P.P.A., today wired protests to President Roosevelt and Deputy NRA Administrator Sol A. Rosenblatt declaring the code did not represent their interests and provide for their protection, and requested a hearing.

The association believes the code is unfair and imposes a great burden insofar as adding further cost to production without a means of protecting or guaranteeing sufficient return. The fact that double billing is entirely left out of the code leaves it wide open for major companies to rubber stamp their contracts prohibiting exhibitors from showing their product in connection with another picture, members assert.

Regulations as they stand do not prohibit nefarious and vicious practices of the majors which assertedly would prove vastly detrimental to independents, the wire stated. Wolf further declared most every major point for which independents have been fighting for has been left out of the tentative code.

WASHINGTON, Oct. 10.—Independent producers in Hollywood today wired Deputy NRA Administrator Sol A. Rosenblatt that they faced extinction if any code restrictions on duals were made.

Rosenblatt's reply was to the effect that the code did not even mention duals, and he asked: "If the issue is not even mentioned, please tell me how independents figure they will go under?"

Educational Film Users Ask Change

Dr. A. Lawrence Lowell, head of the M. P. Research Council and ex-president of Harvard, has sent President Roosevelt a letter of protest signed by 90 members of the council in which it is asked "that provisions now in the codes be removed which may, if retained, prevent schools, churches, museums and other non-theatrical agencies from renting and exhibiting current films in their auditoriums, either with or without fee."

WASHINGTON, Oct. 10.—Deputy NRA Administrator Sol A. Rosenblatt today declared Dr. Lowell and senders of other wires on the above point do not understand the purposes of the code on this point. He pointed out that the original exhibitor proposal might have had the result pointed out by Lowell, but that the code as revised today indicates there is not the intention to restrict that type of showing. This is covered in Part 4 under provisions covering distributors in the new code form.

"A SMASH! Has everything a picture should have! One of those pictures that should exploit itself even more than all the tricks of showmanship could. Certain to bang off a swell tune in any box-office!"
— *HOLLYWOOD REPORTER*

"An uproarious affair! On entertainment value or any other way you look at it, this looks in the bag!"
— *FILM DAILY*

"Tab this as a record wrecker. A cinch to sell! They've handed you everything!"
— *MOTION PICTURE HERALD*

Now You Know

When JOSEPH M

A DARRYL

PROD

WALLACE BEERY • GEORGI

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BREAKING ALL RECORDS

NOW WATCH EVERYTHING CRACK WIDE OPE

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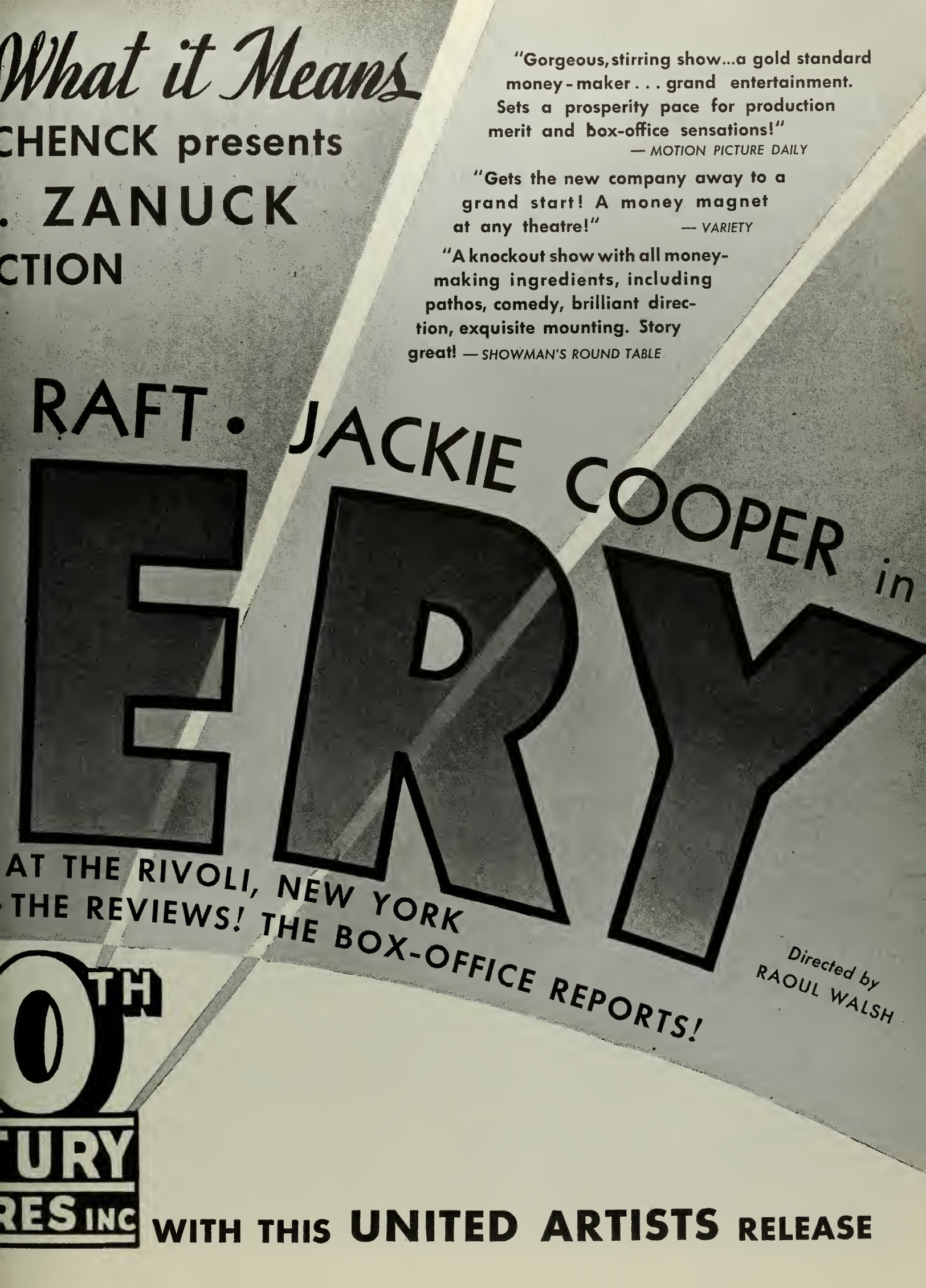
AS 250 CITIES THIS WEEK CELEBRATE THE DEBUT OF


What it Means
CHENCK presents
. ZANUCK
CTION
"Gorgeous, stirring show...a gold standard money-maker . . . grand entertainment. Sets a prosperity pace for production merit and box-office sensations!" — MOTION PICTURE DAILY
"Gets the new company away to a grand start! A money magnet at any theatre!" — VARIETY
"A knockout show with all money-making ingredients, including pathos, comedy, brilliant direction, exquisite mounting. Story great! — SHOWMAN'S ROUND TABLE
RAFT • JACKIE COOPER in
ERY
AT THE RIVOLI, NEW YORK
THE REVIEWS! THE BOX-OFFICE REPORTS!
Directed by RAOUL WALSH
0TH
TURY
RES INC
WITH THIS UNITED ARTISTS RELEASE

Insurgents Get Little Attention

About 85% of Code Settled, States Deputy

(Continued from page 1)

might delay the rendering of opinions on the film code.

However, the undetermined 15 per cent of the code makes it difficult to forecast when it finally will be ready for General Hugh S. Johnson, who must approve it before submitting it to the President.

Declining to mention names, although pressed, Rosenblatt admitted a number of groups had signed the agreement and that the signatures were being held in escrow. These signatures are, of course, predicated on the final approval of the code as the unknown signatories know it, or as they have been informed it will be.

No Indie Walkout, Declares Johnston

Denying that independent producers and distributors had walked out on the code conference in Washington, W. Ray Johnston, president of Monogram, before leaving yesterday to attend resumed conferences with Deputy NRA Administrator Sol A. Rosenblatt today, stated:

"We asked the administrator for a week's time to give attorneys representing independents a chance to analyze the situation and offer suggestions for revision of the code. During that time," Johnston said, "some of the independent producers, distributors and exhibitors left Washington to spend the week-end at their homes. You will find them all at the roundtable in Washington, however, when the independent meetings are resumed Wednesday."

Johnston was accompanied by Harry H. Thomas, president of First Division. Jacob Schechter, attorney for the Federation of the M. P. Industry, Inc., arrives at the Capital today from Indiana.

Still Speculate on Allied Dual Stand

(Continued from page 1)

exhibitor members on the committee voted for settlement by local autonomy on the basis of a 60 per cent theatre vote in each zone. He adds the one dissenting vote came from a representative of affiliated theatres who failed to offer any alternative.

ITOA Discusses Code

Discussions of code developments in Washington yesterday highlighted the weekly session of the I. T. O. A. Harry Brandt, president, and the committee return to the capital today after detailing the code events at the Astor yesterday.

Allied's Anti-Code Fight By Wires Irks Rosenblatt

(Continued from page 1)

test the Rosenblatt code draft on the ground that it would crush small theatres and wipe out their investments.

The appeal to employes was based on the assumption that the code would lose them their jobs through the alleged theatre closing possibilities. The appeal to club women and ministers was based on a declaration that the NRA draft does not provide for adoption of the Hays production code of ethics, which it does, and that, therefore, salacious pictures might be expected to flourish.

Samuelson a Signer

Wires from public organizations were directed to be sent to President Roosevelt and those presumably affecting theatres and investments to General Johnson. The Jersey bulletin, signed by Sidney Samuelson, president of the organization, added that if those agreeing to send wires wouldn't pay for them, the soliciting exhibitor must.

In his bulletin Samuelson declared that the Jersey unit's telegram quota was 5,000, and stated that Allied "had reason to believe that 100,000 wires in the White House by Wednesday would do the job."

Wherever wires were to originate directly with the public, the final line on the page of the bulletin which outlined seven different arguments against the NRA code for telegraph purposes, finished with these words: "Use any of the above arguments but change the words."

Rosenblatt was alternately amused and angered by the development.

"I had been wondering," he remarked, "how nearly 40 wires, all dated Minneapolis and sent to me direct, purporting to express the code objections of northwest exhibitors whose operations, in many cases, are hundreds of miles from that city, could have originated there spontaneously. Minneapolis is the home of Mr. Steffes, you know," he added, referring to W. A. Steffes, head of the Northwest Allied unit and former national president of Allied.

Says It's Countrywide

It was Rosenblatt's assumption that if this sort of "propaganda machine" functioned in territories for which he had proof "it was also functioning all over the country as well."

"General Johnson will be interested in seeing them," he added.

Rosenblatt ordered photostatic copies made of the New Jersey and Pennsylvania organization's bulletins and intends to send them to the White House as well as to General Johnson, he said.

"I had been wondering about these wires," Rosenblatt said. "They all contained stock phrases and my suspicions were aroused. I asked some gentlemen to investigate, and their findings are what I have just given you," he concluded.

In the face of this development and also in view of the fact that the second NRA draft, in Rosenblatt's opinion, is 85 per cent completed, it appeared inevitable tonight that the code analysis containing the independents' objections, which is in preparation here by the insurgents, will be completely disregarded.

"Riders" for Sales Pacts Are Approved

(Continued from page 1)

NRA code: "Individual distributor's sales policy provisions may be inserted in the schedule of such form (the standard optional contract), but shall not be contradictory to any provisions thereof."

Much "beefing" from independents on this added provision is destined to be heard. Their contention has been that the sanctioning of a distributor's right to add clauses not already in the standard contract will result in a ban on double featuring by individual distributor decision to prohibit coupling their pictures with any other feature on the same bill.

Para. Buys Two Plays

HOLLYWOOD, Oct. 10.—Paramount has purchased "Sailor Beware" and "Double Door," two plays, the former by Kenyon Nicholson and Charles Robinson and the latter by Elizabeth McFadden. Carole Lombard has been given a new contract by the company.

Actors' Guild Will Not Join Equity-Cantor

(Continued from page 1)

be acceptable and avert any possible controversy.

Asked for his reaction on salary control, Cantor said: "One can't control the earning power of talent any more than one can control the creative ability of the artist." He added the earning power of any artist should be measured by the profit he can command.

The guild membership now totals 750, of which 58 are Academy members. Three more actors resigned from the Academy today, making the total of resignations 27.

HOLLYWOOD, Oct. 10. — The mass meeting of the Writers' Guild called for Thursday for final discussion of revisions in the various codes, particularly that relating to the signing of long term contracts, has been postponed to Sunday night.

Academy to Take Stand Upon "Raids"

WASHINGTON, Oct. 10.—The attitude of the Academy of M. P. Arts and Sciences on Article 10, covering star "raids," as it appears in the second NRA code draft made public here today, will be determined following a meeting of the organization held in Hollywood tonight.

Lester Cowan, executive secretary of the Academy, who is in attendance at the code sessions here, maintains that the clause in its present form is much worse than the original clause which was included in the producers' code in that it affects considerably more players.

Tonight Cowan did not expect to receive word of the Hollywood meeting's decision until 3 or 4 o'clock Wednesday morning in view of the time difference between the east and west coasts.

Deputy NRA Administrator Sol. A. Rosenblatt denied today that any request for a public hearing on Article 10 had been received from Cowan, while the latter contributed to a resultant mystery by insisting that a letter containing such a request had been dispatched to the deputy administrator last night. Merely to make it doubly certain, Cowan added he proposed to send Rosenblatt a wire reminding him of the original communication.

The possibility of a public hearing being held on the article is considered extremely dubious, however, since Rosenblatt has stated several times during the week that no more open sessions would be held on any points. From now on it is private conferences, if anything, he maintains.

Cleveland Pledges Support to Allied

CLEVELAND, Oct. 10.—Resolutions pledging financial support to Allied code were passed yesterday at a meeting of the Cleveland M. P. Exhibitors' Ass'n. which was attended by independents from northern Ohio. The action was taken following addresses by Sidney Samuelson of New Jersey Allied and Col. H. A. Cole of Texas.

Samuelson and Cole left here last night for New York, expecting to stop off at Buffalo. M. B. Horwitz was named as delegate of the Cleveland exhibitors at further code negotiations in Washington, with Myer Fine as alternate.

No Film Help Given For "Buy Now" Work

The NRA Buy Now campaign is in full swing, but to date there is no evidence that the film industry has participated in the move, according to Frank R. Wilson, head of the movement.

K. C. Women Form Better Film Group

KANSAS CITY, Oct. 10.—The Better Films Council of Greater Kansas City has been organized under the sponsorship of the second district, Missouri Federation of Women's Clubs, comprising groups in Kansas City and vicinity. The announced purpose is selection and recommendation of pictures suitable for children.

Five reviewing committees of five members each are to be appointed to see pictures at first runs. The Film Council's approval, which will be based on the committees' recommendations, will be announced to members of participating organizations. Other committees will have charge of "family night" selections, publicity and a speakers' bureau.

"It is not our plan to take any militant or fighting stand for censorship," according to Mrs. Mason C. Alderman, president of the new council, "but we do intend to take an active interest in the kind of pictures that are being shown to our children and to cooperate with the exhibitors in seeing that the best type of entertainment is offered.

"We will preserve at all times a complete independence of action from the motion picture industry. Committees of women from our council will attend previews or first runs, consult with managers on certain points and publicize what we consider the outstanding and worth while pictures through the radio."

Cleveland Men Plan Exhibitor Expansion

CLEVELAND, Oct. 10.—Plans are under way to expand the Cleveland M. P. Exhibitors' Ass'n. to include all territory served by Cleveland and Cincinnati exchanges. This is contingent on success of the organization in fighting for a repeal of the 10 per cent amusement tax. A mass meeting of all Ohio independents has been called by G. W. Erdmann, secretary of the association, to be held at the Deshler, Columbus, on Oct. 24, when plans will be formulated for a new unit of northern and southern exhibitors.

New Kansas Taxes Loom

TOPEKA, Oct. 10.—Indications are Gov. Alf Landon will call a special session of the Kansas legislature to convene the last of this month. Taxation will be taken up, among other problems.

"Sweetheart of Sigma Chi"
(Monogram)

Hollywood, Oct. 10.—Monogram's ace musical should click merrily as fine entertainment. A novel collegiate drama balanced with romance is topped by an exciting crew race spectacle. Buster Crabbe, Mary Carlisle, Florence Lake, Charles Starrett and Ted Fiorita are the name draws. Should be profitable to Monogram franchise holders and satisfactory entertainment to audiences.

VIC SHAPIRO

In Washington Once More

WASHINGTON, Oct. 10.—"He's sold us out," yelled Fred Mayer as Ed Kuykendall ordered double orders of beer and raspberry ice.

"You're crazy," replied Kuykendall. "I've heard so much about double features, I unconsciously order my food that way now. Besides, some of my own gang is giving me the raspberry so regularly, I can't resist ordering that kind of ice cream.

●

Meyer is openly jealous of Kuykendall and his ability to pack away food. Says he'd give 10 years of his life to eat one meal like Ed's. That is, if he survived the code that long.

●

Carter Barron, city manager for Loew's, varied the routine Monday night with a party in atmosphere for "The Bowery" at Loew's Fox. It opens here in a couple of days.

●

Ben Berinstein will have earned all expense money if the M. P. T. O. A. crowd continues to play hearts and horses with him.

●

David Podell, who does special law work for Paramount, is here.

●

General relief today over improvement in Dave Palfreyman's condition. He's suffering from a boil and had to undergo several minor operations. His wife has joined him from New York.

●

The other patient, Bill Jaffee, is coming along, too.

●

Eddie Golden and Al Friedlander are sticking it out to the last. They are practically the only representatives of the insurgent group around now on the code.

●

Jack Cohn's phantom ball team and the gags built around it are adding a much-needed lighter touch to the grind.

●

The majors are recuperating from their exploration trip through the Department of Commerce building last Saturday. A lot of new shoes were broken in that day.

●

Nate Burkan expected to pull out of here last Saturday. He's still around.

●

Jack Cohn had a dinner party planned for Herman Robbins and some others when the second code bout delayed it. On Saturday, he telephoned his wife he expected to leave that night, found Article 10 interfering again and had to call off the delayed dinner which had been set back to Sunday and then didn't make that. Now his wife isn't answering his phone calls.

●

That dazed film man roaming the streets the other night was not punch drunk. It seems he had completed reading the NRA code for the second time and it got him.

●

Sam Dembow and George Skouras are here again, although neither one knows why. So they went into a bet, along racial lines. George bet Sam there were 16,000,000 Jews in the world. Sam maintains there are not more than 12,000,000. A hat's at stake.

Second bet narrows it down. George says if there aren't 16,000,000 the total is between 15,000,000 and 16,000,000. Sam figures the number hits between 12,000,000 and 13,000,000. A suit's at stake on that one.

Third involves the Greeks. Skouras would. He insists there are not more than 300,000 in the United States. Sam holds the number is over 350,000. An overcoat changes hands on the third of the trio.

●

Charlie Kranz, local United Artists manager, who numbers countless exhibitors among his friends, has been visiting the gang at night.

Taylor New Warner West Va. Zone Head

PITTSBURGH, Oct. 10.—Marshall Taylor of Warner Brothers' New England zone has just been appointed district manager of the West Virginia division in Harry Kalmine's Pittsburgh territory. He succeeds James G. Balmer, who resigned recently to become general manager of the Harris Amusement Co.

Warners have also filled the long-vacant post of Main Line district manager with the appointment of Eddie Moore, city manager for the circuit's two Johnstown houses. He takes over the post formerly held by Gilbert Josephson.

No successor to Moore at Johnstown has been named. The Main Line territory includes Greensburg, Altoona, Johnstown and other spots.

Goldstein Is Named Variety Club Head

PITTSBURGH, Oct. 10.—Harry Goldstein, Paramount manager here, has just been elected president of the Variety Club. He succeeds John Maloney, M-G-M branch manager, and will be inducted into office at the club's annual banquet at the William Penn Sunday night, Oct. 22.

Other officers are: First vice-president, Harry Kalmine, zone manager for Warners; second vice-president, M. J. Cullen, manager of Loew's Penn; secretary, James G. Balmer, Harris Amusement Co.; treasurer, Dr. L. G. Beinhauer.

Eight directors selected were: Ben Kalmenson, Jules Lapidus, Art Levy, Frank Smith, Bill Benswanger, Johnny Morin, Brian McDonald and Harold W. Cohen.

Demountable Plans For Theatres Set

(*Continued from page* 1)

these houses at less than $50 a seat, which they state, is about half as cheap as the cost for regular permanent theatres.

Each house weighs under 60 tons including seats, furnishings and decorations and will be equipped to project standard width films. The theory is that if these demountable houses don't pay in one location they can be dismantled readily and set up on an open lot or plot elsewhere.

The backers maintain cheapness of construction is expected to prove attractive. They hold that financing of regular theatres will be difficult for the next 10 years and so contemplate opening their proposition to financing on a monthly basis, just as an individual might buy an automobile. Wilson and Clarke, state architects, are drawing plans for theatres beyond 600 seating capacity, but the immediate plan is to be confined to three theatres, one seating a few less than 300, a second about 450 and a third about 600.

Warner Anti-Trust Suit Off to Nov. 6

(*Continued from page* 1)

at Washington or the Department of Justice headquarters here as to the effect, if any, that the NRA will have upon government instigated anti-trust cases such as this, indications are that the case will be indefinitely sidetracked after the completion of the industry code and its signing by Warners.

Rosenblatt Refuses To Talk on Signers

WASHINGTON, Oct. 10. — Deputy NRA Administrator Sol A. Rosenblatt today refused to comment on MOTION PICTURE DAILY's story of yesterday stating that the first signatory to the code was the Independent Theatre Owners of Northern California through Morgan Walsh and L. S. Hamm. He also took the same attitude toward the reported signing of Harry Brandt, president of the ITOA and Jack Miller of the Chicago Exhibitors' Ass'n.

"Broadway Through a Keyhole"
(20th Century-U.A.)

Hollywood, Oct. 10.—The second from 20th Century is released on the crest of a tidal wave of box-office publicity. The title, Walter Winchell's name and the recent Jolson-Winchell incident which was front-paged everywhere will have fans ready to storm the doors. The picture oozes the Broadway flavor in night club life, singing, dancing, comedy, romance and underworld drama. It will undoubtedly get S.R.O. openings with smart showmanship and word of mouth publicity following to big business.

VIC SHAPIRO

SA
MI

You'll laugh with tears in your eyes!
You'll thrill while stifling a sob!

TURDAY'S LIONS

turns all picture formulas upside down and hits the market just when football excitement is at fever heat!

•

with ROBERT YOUNG, LEILA HYAMS,

Johnny Mack Brown, Andy Devine, Lucille Lund, Mary Carlisle, Grant Mitchell and many others. From the Saturday Evening Post story by Lucian Cary. Produced by Carl Laemmle, Jr. Directed by Edward Sedgwick. Production arranged by Christy Walsh. Presented by Carl Laemmle.

"Voltaire" Is Twin Cities' Lead, $8,000

MINNEAPOLIS, Oct. 10.—"Voltaire" was a good draw both here and in St. Paul last week. It reached $4,000 at the Century here and took the same amount at the Riviera across the river. Both takes were $500 up.

"Torch Singer" was up to $6,000 at the State here. Elsewhere business was just fair.

Total first run business was $18,100 in Minneapolis. Average is $17,200. In St. Paul the total was $13,900, just $100 under normal.

Estimated takings:

Minneapolis:

Week Ending Oct. 5:

"VOLTAIRE" (Warners)
CENTURY—(1,640), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)

"TURN BACK THE CLOCK" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,300. (Average, $1,500.)

Week Ending Oct. 6:

"BRIEF MOMENT" (Col.)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

"TORCH SINGER" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

"THE REBEL" (Univ.)
WORLD—(400), 25c-75c, 7 days. **Gross:** $1,300. (Average, $1,200.)

St. Paul:

Week Ending Oct. 6:

"TORCH SINGER" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000.)

"VOLTAIRE" (Warners)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)

"LADIES MUST LOVE" (Univ.)
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $3,500. (Average, $4,000.)

"CHARLIE CHAN'S GREATEST CASE" (Fox)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800.)

"THE LAST TRAIL" (Fox)
TOWER—(1,000), 15c-35c, 3 days. **Gross:** $600. (Average, $700.)

Warner Pittsburgh Houses Make Shifts

PITTSBURGH, Oct. 10.—The first of the policy changes in Warner theatres to follow on the heels of Joe Bernhard's and I. J. Hoffman's recent visit here has just been announced. It puts the Sheridan Square, in East Liberty, and the Warner, downtown, on a day-and-date policy for first run releases. The first picture under the new arrangement will be Universal's "Love, Honor and Oh Baby," with Slim Summerville and Zasu Pitts. The Sheridan Square has been operating for the last year as a second run house on a split week.

Some time ago, the Warner and the Enright, also in East Liberty, tried the day-and-date stunt, but it was dropped after a short trial.

Hyattsville to Open

BALTIMORE, Oct. 10.—By a vote of 435 to 255 Hyattsville, Md., has decided on an open Sunday for films. The ordinance becomes effective after the official canvass of the ballots.

Balto. Theatre Opens

BALTIMORE, Oct. 10.—The Little Theatre, owned by Herman Blum, with Herman G. Weinberg managing, has been given a formal opening.

'Broadway,' Aided by Show, 100% Above Par in Denver

DENVER, Oct. 10.—"Broadway to Hollywood," helped by a stage show, was a sensation here last week at the Orpheum. Its gross of $14,500 was $7,000 over normal. Holdouts were the rule all week.

"This Day and Age" was not far behind "Broadway to Hollywood" as a business-getter. At the Denham, in six days, it piled up $10,000, above average by $6,000. This sensational business affected the other first runs.

Total first run business for the week was $39,750. Average is $27,500.

Estimated takings for the week ending Oct. 5:

"HEADLINE SHOOTER" (Radio)
ALADDIN — (1,500), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,000.)

"THIS DAY AND AGE" (Para.)
DENHAM—(1,500), 25c-30c-40c, 6 days. Stage show. Taken out after six days to permit house to return to Wednesday opening. **Gross:** $10,000. (Average, $4,000.)

"PENTHOUSE" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,750. (Average, $6,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)
ORPHEUM—(2,600), 35c-40c-55c, 7 days. Stage show. **Gross:** $14,500. (Average, $7,500.)

"LADIES MUST LOVE" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,500.)

"THE CONSTANT WOMAN" (World Wide)
TABOR—(2,000), 20c-25c, 7 days. **Gross:** $4,000. (Average, $3,500.)

Portland Piles Up $3,000 for 'Paddy'

PORTLAND, Oct .10. — "Paddy" proved to be the best thing in some time for the Liberty, taking high honors for the week with $3,000, or $1,200 over average.

After two weeks at Hamrick's Music Box, "Morning Glory" went a third week at the Oriental, keeping up the house average.

"Turn Back the Clock" at the Broadway brought in $900 over the house average of $6,000. "One Man's Journey" at Music Box brought $1,000 over average.

Total first run business was $21,200. Average is $17,800.

Estimated takings for the week ending Oct. 7:

"ONE MAN'S JOURNEY" (Radio)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000.)

"MORNING GLORY" (Radio) (Third Portland Week)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,000.)

"TURN BACK THE CLOCK" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,900. (Average, $6,000.)

"THE BOWERY" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,300. (Average, $5,000.)

"PADDY, THE NEXT BEST THING" (Fox)
LIBERTY—(1,800), 25c-35c-40c, 7 days. Vaudeville. **Gross:** $3,000. (Average, $1,800.)

Paper Praises "Pigs"

BALTIMORE, Oct. 10.—Writing of Walt Disney's "Three Little Pigs," the *Baltimore Post* commented editorially: "This little piece of Disney's seems to be the augury of a new artistic development promising a perpetual library of the cinema comparable to the libraries of the printed word. What could be more natural than that the most marked artistic genius in this mechanical age should grow up in the moving pictures? Disney is a joy for the present and a promise for the future."

Take Kansas City House

KANSAS CITY, Oct. 10.—W. P. Humston and W. L. Norris, Weber Syncrofilm distributors here, have taken over the New Diamond, suburban house, to be used as a demonstration theatre. The house has been renamed the State.

"Harmony" Hits Big $10,100 in Buffalo

BUFFALO, Oct. 10.—"Too Much Harmony" piled them into the Hippodrome last week to the tune of $10,100, a remarkable showing. The total is $4,100 over average.

"Three Cornered Moon" was also a mild sensation, aided by a stage show at the Buffalo. The take was $18,700, above normal by $3,700.

"Dinner at Eight" added to the general impression that good times had returned by garnering $12,000, up by $2,000 at the Erlanger.

Total first run business was $60,000. Normal, including the Erlanger, is $54,300.

Estimated takings for the week ending Oct. 6:

"THREE CORNERED MOON" (Para.)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Howard and Jane Thurston & Co. **Gross:** $18,700. (Average, $15,000.)

"NO MARRIAGE TIES" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $4,300. (Average, $6,000.)

"DINNER AT EIGHT" (M-G-M)
ERLANGER—(1,400), 55c-$1.65, 7 days. Twice daily. **Gross:** $12,000. (Average, $10,000.)

"I LOVED YOU WEDNESDAY" (Fox)
GREAT LAKES—(3,000), 25c-40c, 7 days. Stage: Sid Marion with Estelle Jayne, Harry J. Conley & Co., Jack Randall and Hollywood Dancers, Irving Edwards, Betty & Tommy Wonder, Robbins Family, Paul Kirkland, McDonald Trio. **Gross** $9,500. (Average, $10,000.)

"TOO MUCH HARMONY" (Para.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $10,100. (Average, $6,000.)

"THE OUTSIDER" (M-G-M)
HOLLYWOOD—(300), 25c-40c, 4 days. 2nd week. **Gross:** $200. (Average, $800.)

"THE BIG BRAIN" (Radio)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,200. (Average, $6,500.

Bernfield Goes to U. A.

KANSAS CITY, Oct. 10.—William P. Bernfield, veteran film man and exploiter, has resigned from the local Paramount exchange to accept a district exploitation post with United Artists. Bernfield was the originator of a nationwide checking system in 1929.

Baker to Steubenville

STEUBENVILLE, O., Oct. 10.—Manrice Baker, who managed the Cathin and Nittany, both Warner houses at State College, Pa., has resigned to take over the management of the Paramount here.

"Penthouse" Gets $7,000 In Cleveland

CLEVELAND, Oct. 10.—"Penthouse" went $1,000 over average to $7,000 at the State in the slimmest week since cool weather arrived. Business took a tumble all over the city. "Dinner at Eight" opened a roadshow engagement at $1.65 top at the Ohio to good evening crowds. Most theatres were disappointed. "Narrow Corner" at Lake also went over average. Others just got by.

Total first run business, exclusive of "Dinner at Eight," was $35,250. Average is $36,500.

Estimated takings for the week ending Oct. 6:

"SING, SINNER, SING" (Majestic)
ALLEN — (3,300), 20c-30c-40c, 7 days. **Gross:** $2,950. (Average, $3,000.)

"BRIEF MOMENT" (Col.)
HIPPODROME — (3,800), 35c-44c-60c, 7 days. Vaudeville: 3 Ritz Brothers, Joe Morris & Co.; Coloy-Murray Revue; Mullens Sisters; The Thrillers. **Gross:** $11,500. (Average, $14,000.)

"NARROW CORNER" (Warners)
WARNER'S LAKE—(800), 30c-35c-44c, 7 days. **Gross:** $3,800. (Average, $3,500.)

"MY WEAKNESS" (Fox)
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"PENTHOUSE" (M-G-M)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $7,000. (Average, $6,000.)

"THIS DAY AND AGE" (Para.)
"RED HAIRED ALIBI" (Tower)
STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"DINNER AT EIGHT" (M-G-M) (Road Show)
OHIO — (1,430), $1.50-$1.10-84c, 5 days. **Gross:** $9,000.

Loew Opens Central Ad Spot in Columbus

COLUMBUS, Oct. 10.—Divisional headquarters for Loew's theatres advertising have been established here by William A. Finney, western division manager. The purpose is an interchange of ideas and helpful hints by managers. The division embraces the territory from Columbus to Kansas City.

F. & M. in St. Louis

ST. LOUIS, Oct. 10.—Fanchon & Marco acts are now being booked by the St. Louis under a special booking arrangement. Reports that the house would be turned over to F. & M. are denied by Harry Koplar, who says there absolutely will be no change in the management.

Fidler Opens Exchanges

DENVER, Oct. 10.—Lon T. Fidler, former film salesman and exchange manager, has opened exchanges here and at Salt Lake City. He will market Principal Pictures.

Colorado Houses Slash

DENVER, Oct. 10.—Scales at the Chief theatres in Pueblo and Colorado Springs have been cut from 25 to 40 cents to a straight 25 cents. Both houses are owned by the Westland Theatres Corp.

Switches to First Run

WILMINGTON, Oct. 10.—The Rialto formerly a second run, has changed its policy and is now showing first run Fox features and short subjects.

"Lady" Pulls $20,000 Top, Philadelphia

PHILADELPHIA, Oct. 10.—"Lady for a Day" put the Stanley in the big money last week with a $20,000 take, a remarkable figure $4,000 over average. The stage show was headed by Frank Fay.

"Too Much Harmony" went to $14,500 at the Boyd. This, too, is big money. "Emperor Jones" was the third high draw of the week, garnering $9,000, up by $2,000, at the Aldine.

Total first run business was $93,200. Average is $82,550.

Estimated takings for the week ending Oct. 5:

"EMPEROR JONES" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $9,000. (Average, $7,000.)
"TUGBOAT ANNIE" (M-G-M) (Second Run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,700. (Average, $2,400.)
"TOO MUCH HARMONY" (Para.)
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $14,500. (Average, $12,000.)
"BRIEF MOMENT" (Col.)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Don Redman's Harlem Revue and the Mills Brothers. **Gross:** $13,500. (Average, $12,000.)
"MY WEAKNESS" (Fox)
FOX—(3,000), 35c-55c-75c, 6 days. Stage: James Melton, Tasty-Yeast Jestes,r Sidney Page, Van Cello, Sis and Buddy Roberts. **Gross:** $16,000. (Average, $16,000.)
"THE MASQUERADER" (U. A.) (Second Run)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $4,000. (Average, $3,500.)
"TARZAN, THE FEARLESS" (Principal)
KEITH'S—(2,000), 25c-35c-40c, 6 days. **Gross:** $4,500. (Average, $5,500.)
"LADY FOR A DAY" (Col.)
STANLEY—(3,700), 40c-55c-75c, 6 days. Stage: Frank Fay, Diamond Brothers, Ray, Ellis and LaRue. **Gross:** $20,000. (Average, $16,000.)
"BUREAU OF MISSING PERSONS" (F. N.)
STANTON—(1,700), 30c-40c-55c, 7 days. **Gross:** $9,000. (Average, for 6 days, $7,000.)

"F.P. 1" and "Yes" High for Montreal

MONTREAL, Oct. 10.—"She Had to Say Yes" and "F. P. 1," on a dual bill at the Capitol, were the only attractions in town to show strength last week. The take of $9,500 was $500 over normal.

The unusual combination of "Emperor Jones" and "Parole Girl" at the Princess brought $6,000, which was slightly under mark. The Imperial had a second week of "La Pieuvre," which brought the usual $2,000, as compared with $2,400 for the first week.

Total first run business was $37,500. Average is $39,000.

Estimated takings for the week ending Oct. 6:

"F. P. 1" (Empire)
"SHE HAD TO SAY YES" (F. N.)
CAPITOL—(2,547), 25c-35c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,000.)
"LA PIEUVRE" (French)
IMPERIAL—(1,914), 25c-35c-50c-60c, 7 days, 2nd week. **Gross:** $2,000. First week, $2,400. (Average, $2,000.)
"MARY STEVENS, M. D." (Warners)
LOEW'S—(3,115), 25c-35c-50c-65c, 7 days. Stage show. **Gross:** $9,500. (Average, $10,500.)
"BROADWAY TO HOLLYWOOD" (M-G-M)
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $10,500. (Average, $11,000.)
"EMPEROR JONES" (U. A.)
"PAROLE GIRL" (Col.)
PRINCESS—(2,272), 25c-35c-50c-60c, 7 days. **Gross:** $6,000. (Average, $6,500.)

"Dinner" Is Pitt's Biggest Two-a-Day Film in Years

PITTSBURGH, Oct. 10.—The town's biggest money last week went to "Dinner at Eight," playing a roadshow engagement at the Nixon, and "Too Much Harmony" at the Stanley. The others all suffered, hitting below par in every case.

"Dinner at Eight" proved to be the best two-a-day grosser around here in years, getting a bit over $14,000 in 11 performances, missing a matinee—inasmuch as it did not get under way until Monday night. Booked in originally for only two weeks, it now looks as if three weeks might be a better guess.

At the Stanley, "Too Much Harmony" got away to a great start and maintained its pace until the closing day, winding up with a sizzling $14,000, the best figure this house has hit in some time.

Otherwise, business was off. "Stage Mother" was a dud at the Penn, getting only $7,500, while the Fulton, with "Her Bodyguard," sank to $3,400, the poorest gross for this house since it reopened eight weeks ago.

The newest of the town's first-run houses, the Pitt, got off to a nice start with its vaudeville-picture policy, gathering around $4,800 with "Dance, Girl, Dance" and eight acts.

Total grosses in the seven first runs were $49,550. Average, for six houses, is $38,000.

Estimated takings for the week ending Oct. 7:

"DELUGE" (Radio)
DAVIS—(1,700), 25c-40c, 6 days. **Gross:** $2,100. (Average, $2,500.)
"HER BODYGUARD" (Para.)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $3,400. (Average, $4,000.)
"DINNER AT EIGHT" (M-G-M)
NIXON—(2,100), 55c-$1.65, **Gross:** For 11 performances in first week, $14,000.
"STAGE MOTHERS" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $7,500. (Average, $12,000.)
"DANCE, GIRL, DANCE" (First Div.)
PITT—(1,600), 15c-40c, 6 days. Stage: Frank Richardson, Ann and Monica Skelly, Ethel Parker and Sandino, Jones and Rea, Great Noel Lester, Levan and Boles, and Violet, Ray and Nomran. **Gorss:** $4,800. (Average, $4,500.)
"TOO MUCH HARMONY" (Para.)
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $14,000. (Average, $9,000.)
"GOLDEN HARVEST" (Para.)
WARNER—(2,000), 25c-50c, 6 days. **Gross:** $3,750. (Average, $5,000.)

"Eggszema"

Seattle, Oct. 10. — Another public sensation has petered out.

The latest disillusionment comes via Police Court, where it was disclosed that the man who threw eggs at Dave Hutton, vaudeville baritone and husband of Aimee Semple MacPherson, was hired to do so as a publicity stunt by the Roxy.

The judge said it was a rash thing to do—a sort of "eggszema" calling for a $25 fine.

"Bureau" Leads in Oklahoma at $3,700

OKLAHOMA CITY, Oct. 10.—With the exception of one first run, theatres had a very profitable week, "Bureau of Missing Persons," set in at the Liberty a two-change-a-week house, proved highly successful and was held over for a full week's run, grossing $3,700, which is $300 above the average figure.

"Gambling Ship" at the Capitol grossed $3,200, which was $200 above par. "Headline Shooter" and "Deluge" gave the Victoria, a suburban, a big week of $1,500, which is $300 above normal. "Morning Glory" opened strong at the Criterion, but fell off the last three days to do only a $4,500 week, which is $500 below par.

Total first run business was $12,900. Average is $11,700.

Estimated takings for the week ending Oct. 7:

"BUREAU OF MISSING PERSONS" (F. N.)
LIBERTY—(1,500), 10c-15c-26c-36c, 7 days. **Gross:** $3,700. (Average, $3,000.)
"GAMBLING SHIP" (Para.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,200. (Average, $3,000.)
"HEADLINE SHOOTER" (Radio)
VICTORIA—(800), 10c-15c20c-26c, 3 days. **Gross:** $800. (Average week, $1,200.)
"DELUGE" (Radio)
VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $700. (Average week, $1,200.)
"MORNING GLORY" (Radio)
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $4,500. (Average, $5,000.)

Constant in New Concern

LIVERPOOL, O., Oct. 10.—East Liverpool State Theatre, Inc., has been chartered by A. G. Constant, Charles M. Walsh and Benj. L. Bennett to acquire and operate the State, at East Liverpool.

Constant operates the State, at Steubenville, as also several other houses throughout Ohio.

St. Louis House Opened

ST. LOUIS, Oct. 10.—The Midtown-Empress has reopened under the management of Louis and Joseph Ansell. The house has been refurnished and has a new sound and ventilating system. It will run on a dual bill, subsequent run basis with a night top of 35 cents.

Wisconsin Houses Open

MILWAUKEE, Oct. 10.—Openings in the state include the Strand by Warners, with a 25 to 40-cent admission. Warners have booked RKO product in addition to its own. The Strand is being managed by Harry Wren, formerly manager of the Alhambra and Palace here. It is the circuit's 22nd house in the state.

The Strand at Marinette has been reopened by Madagin & Laureman Real Estate Co., operators of the Fox in that city. It is being managed by E. R. Brennan. At Madison, the Parkway, operating on and off, reopened permanently Oct. 8 with John Scharnberg as manager.

Big "Parade" Book Out

Warners has just finished an elaborate merchandising book on "Footlight Parade." All types of exploitation, news stories and other advertising material to put the picture over are incorporated in the book.

"Lady" Leads Seattle with $8,000 Take

SEATTLE, Oct. 10.—"Lady for a Day" at the Roxy was the top attraction of the week just closed, registering about $1,500 over the average gross of $6,500. "Broadway to Hollywood" at the Fifth Avenue and "One Man's Journey" at the Blue Mouse were good for average business, and "Torch Singer" at the Paramount and "The Sphinx" at the Liberty were slightly under par.

"Morning Glory" in its second week at the Music Box was just fair. It appears that there were too many good attractions for any one house to register unusual business.

Total first run business was $30,000. Average is $31,500.

Estimated takings for the week ending Oct. 7:

"ONE MAN'S JOURNEY" (Radio)
BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days. **Gross:** $3,750. (Average, $4,000.)
"BROADWAY TO HOLLYWOOD" (M-G-M
FIFTH AVENUE—(2,750), 25c-35c-40c-55c, 7 days. **Gross:** $6,500. (Average, $7,000.)
"THE SPHINX" (Monogram)
"THE LONE AVENGER" (Woldr Wide)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,500. (Average, $4,000.)
"MORNING GLORY" (Radio)
MUSIC BOX—(950), 25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $3,250. (Average, $4,000.)
"TORCH SINGER" (Para.)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 7 days. **Gross:** $5,000. (Average, $6,000.)
"LADY FOR A DAY" (Col.)
ROXY—(2,275), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $6,500.)

No Notes, So Court Rules No Violation

COLUMBUS, Oct. 10.—A decision handed down by Judge Benson W. Hough in the U. S. District Court here may establish a precedent in copyright infringement cases.

In the suit of the Famous Music Corp., New York, against Raymond F. Crawford, night club proprietor, Steubenville, O., seeking judgment for $250 for the alleged use of an orchestral number without permission of the copyright owner, Judge Hough ruled that since the evidence disclosed that the selection was played by ear rather than by note, there was no violation of the copyright, and found for the defendant.

Nimmer in Seattle Job

SEATTLE, Oct. 10.—Morrie Nimmer, former manager of the Paramount here for Evergreen, has just been made manager of the Coliseum by Frank L. Newman, Sr.

Al Baker, former manager of the Coliseum, is at Columbus Hospital here, and when recuperated is expected to be set in the Fox at Spokane, also under the Evergreen banner.

Rush for "Angel" Tickets

HOLLYWOOD, Oct. 10.—Although the ticket sale for the premiere of Mae West's "I'm No Angel" has not been opened to the general public by Grauman's Chinese, reservations are being phoned in to Paramount studios so fast that an extra girl has joined the publicity department to handle the calls

"MAEDCHEN IN UNIFORM?"

Shot at sunrise on the battlefield of Paramount's "DUCK SOUP", you see reading from right to wrong: Daniel Boone Marx (Groucho) Zeppoleon Marx (Zeppo) Mussolini Marx (Chico) and Harpo, the Little Corporal, completely disguised as a standing army.

The
FOUR MARX BROTHERS
in Paramount's
"DUCK SOUP"
Directed by
LEO McCAREY

Paramount Pictures

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 87 NEW YORK, THURSDAY, OCTOBER 12, 1933 TEN CENTS

Dissatisfaction Over Code Threatens Delay

H. B. Franklin Quits as RKO Theatre Head

Says He Plans to Enter Production Field

Harold B. Franklin resigned yesterday as head of RKO theatres with the intention, he said, of entering independent production for possible release through RKO Radio.

The resignation is effective Sunday and Franklin plans to leave for Hollywood immediately thereafter to make arrangements for his projected production activities. He will remain on the west coast about three weeks and will return here to establish eastern headquarters in Radio City, he said.

H. B. Franklin

Franklin stated yesterday that the circumstances of his resignation were "perfectly friendly" and that he was

(*Continued on page 2*)

Trustees of Para. May Attack Deals

An attack on the validity of deals by which Paramount Publix acquired theatres for an exchange of stock carrying repurchase agreements may be launched by trustees of the bankrupt, it was revealed yesterday at a creditors' hearing before Referee Henry K. Davis.

Known to be affected by the trustees' scrutiny which is now under way

(*Continued on page 5*)

Job for Lawyers

Washington, Oct. 11.—Lawyers will have to call on lawyers to explain the clause covering open negotiations for stars, according to lawyers themselves. "It's a great break for us provided we can figure it out, because every performer in Hollywood will require legal light of the Philadelphia variety to decipher it," declared one of the lawyers.

Roosevelt for Pay Halt; Daily Story Is Confirmed

WASHINGTON, Oct. 11.—Confirming MOTION PICTURE DAILY's story of Sept. 21 that the Administration had evidenced an active interest in excessive salaries, it was stated at the White House today that the President had requested Deputy NRA Administrator Sol A. Rosenblatt to learn whether immature persons were receiving unconscionable salaries for the work performed. The request included producers, directors and executives. The President is said to have heard reports juvenile stars and directors are being paid salaries four, five and six times that received by the Chief Executive.

The history of the incident is this: In the morning the President held his regular set conference with accredited White House correspondents. Among them was Warren Francis, Washington correspondent for the *Los Angeles Times*, whose paper had assigned him coverage of the film code to the practical exclusion of all other stories.

Francis, at press interviews with Rosenblatt, has been firing many questions concerning salaries and salary-fixing commissions at the

(*Continued on page 4*)

MPTOA Men Now Against Signing Code

WASHINGTON, Oct. 11.—After an all-day meeting of the exhibitor code committee, which began at 9:30 o'clock this morning and continued until about 8 o'clock tonight it was agreed that the M.P.T.O.A cannot subscribe to the code in its present form.

Members of the committee hold sharply divergent views. Their objections center principally on the labor provisions.

Ed Kuykendall, president, has not

(*Continued on page 4*)

Theatres Must Help Pay Code Authority

Washington, Oct. 11.—The nation's theatres will meet their need of the code authority grievance and zoning board maintenance either on the basis of the number of seats or investment. Which it will be is not believed determined as yet. It is likewise difficult to compute how expensive the machinery will be. Undetermined so

(*Continued on page 5*)

Myers Doubts His Group Is To Be Ignored

WASHINGTON, Oct. 11.—Doubting Deputy NRA Administrator Sol A. Rosenblatt meant what he inferred Tuesday night, when he indicated strongly that insurgent groups would get no consideration in the last stages of code deliberations because of protests to the code said to have originated in an organized campaign sponsored by various Allied States units, Abram F. Myers, head of Allied, today issued the following statement

(*Continued on page 5*)

Rosenblatt Declares For Living Wages

Washington, Oct. 11.—Expressing the opinion that neither President Roosevelt nor NRA Administrator Hugh S. Johnson wants labor standards lowered and that industrial peace can exist only when capital and labor go forward jointly, Deputy Administrator Sol A. Rosenblatt, addressing the American Federation of Labor

(*Continued on page 5*)

Many Groups at Odds on Revised Clauses in New NRA Draft

By RED KANN

WASHINGTON, Oct. 11.—This business of setting up a code for the film industry piled up on more shoals today and tonight after various groups had had a chance to study what the second revision of the document, as prepared by Deputy NRA Administrator Sol A. Rosenblatt provided.

Coming as no surprise as a consequence was the failure of the negotiators to finish their job by the promised Wednesday. It seems inevitable now that the parley will run to the end of the week at least, unless the NRA should arrive at a decision that the industry had had more than ample time to ponder over the draft and determine to close out any further discussion. This, however, is remote, for Rosenblatt, in response to a direct question, stated at his regular afternoon press interview that he had set no deadline beyond which the code deliberations may go.

The situation at a late hour tonight was this:

The exhibitor division continues to be divided. Allied and independent producers and distributors, back in force in Washington again, did not complete their announced analysis today and have asked Rosenblatt to extend until Friday morning the time in which they may finish and present it. The M. P. T. O. A. is dissecting the second revision clause by clause, and at the end of a full day's session

(*Continued on page 4*)

Chorus Code Terms Cause New Protest

WASHINGTON, Oct. 11.—Dissatisfaction on the part of Chorus Equity Ass'n over work and wage provisions of the code covering chorines in vaudeville and presentation houses developed today when Mrs. Dorothy Bryant, secretary, declared that the revised code seeks to bind independent

(*Continued on page 4*)

On the Code

Further developments on the code appear on pages 4, 5, 6 and 7 in today's issue.

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NRA WE DO OUR PART

B. I. P. Will Handle "Tarzan" in Britain

Arthur Dent yesterday concluded negotiations with Sol Lesser for distribution of "Tarzan, the Fearless" in the United Kingdom by British International Pictures. Contracts are slated to be signed today. United British Theatre Corp. will be the new name for the combined B.I.P. and A.B.C. corporations in England.

Dent and Lesser are tentatively slated to sail Saturday on the *Ile de France*.

Harold Hurley Gets New Producer Post

HOLLYWOOD, Oct. 11.—Harold Hurley, who was promoted from the Paramount publicity department to the post of assistant to Emanuel Cohen, studio executive, and finally to associate producer on westerns, has moved up another notch.

Hurley will now produce features, his first assignment being associate producer on "Sailor, Beware," with Jack Oakie.

Miller, Wohl to Produce

HOLLYWOOD, Oct. 11.—David Miller and Herman Wohl have formed a new independent producing company to be known as Miller-Wohl Productions. They will produce for the independent market. The new company already has finished the first of 12 one-reel novelties to be released under the trade-mark of "Comicruises" and are now preparing a three-reel featurette. This will be followed by a feature.

AMPA to Hear Bernays

Edward L. Bernays will address today's luncheon meeting of the AMPA at Sardi's. His topic will be "Some Facts About Public Relations and Their Importance." Maurice Cowan, publisher of the *Picturegoer Magazine* of London, will be present as guest of honor.

H. B. Franklin Quits as RKO Theatre Head

(*Continued from page* 1)

leaving RKO with the "best of feelings" for the company. No successor to Franklin has been named and RKO executives were unwilling in the absence from the city of M. H. Aylesworth, RKO president, either to affirm or deny reports which linked several RKO theatre men to the post vacated by Franklin. Among those mentioned were Nate Blumberg, Orpheum Circuit executive; Charles D. Koerner, RKO district manager, and Phil Reisman, Franklin's assistant.

It was stated unofficially that in the event a successor to Franklin has not been named by Sunday, Reisman, in all probability, would be in charge of the theatres, reporting directly to Aylesworth and to J. R. McDonough, Aylesworth's assistant, until the post has been permanently filled. RKO executives likewise refused to comment on reports that Franklin's resignation was an outgrowth of conflicting authority on theatre affairs between Franklin and McDonough. The latter could not be reached yesterday for a statement. Although Aylesworth is not expected in New York from radio code conferences in Washington until today, the RKO statement announcing Franklin's resignation stated that the resignation had been accepted by Aylesworth yesterday. The RKO statement follows.

Formal Statement Made

"Mr. M. H. Aylesworth, president of Radio-Keith-Orpheum Corp., announced today the resignation of Mr. Harold B. Franklin. Mr. Franklin, after a short vacation, will probably enter independent motion picture production, probably under some arrangement which will continue his relationship with the RKO group."

It was later said that the announcement came from Aylesworth by wire.

Franklin stated that he did not believe any change of theatre policy would result from his resignation.

"The RKO theatres are operating at a profit now," Franklin said, "so my job is done. The figures speak for themselves. I have had production ideas in mind and have wanted to put them in practice for some time. I believe that this is the best time to do it."

Franklin came to RKO in February, 1932, as an executive advisor on theatre operations, later becoming head of all RKO theatres and president of K-A-O. He has been active in the industry since 1914, and in that time has been vice-president of Publix for five years; president of Fox West Coast Theatres for five years, and for a time, just prior to his association with RKO, headed Hughes-Franklin theatres.

Grainger Closes Four New Deals for "U"

James R. Grainger, general manager of Universal distribution, has closed four more deals in the San Francisco territory for Universal product. The circuits involved are Golden State, T. & D. Junior, Blumenfeld and the Consolidated Amusement Co. Features, news, shorts and serials are included in the deal, with each classification calling for price increases and preferred playing time for the greater portion of the product.

Sally Must Cover Up

Sidney S. Levine, new city license commissioner, has ordered Sally Rand to put on more clothing in her act at the Paramount. The fan dancer wears a light veil during the first part of her act and drops it shortly after. The commissioner stated in his edict that unless more clothing was applied he would revoke the license of the theatre. He claims the act is "immoral and indecent."

"Newslaughs" for F. D.

The Irving S. Cobb "Newslaughs" will be screened at the White House, Sunday, Oct. 22, at the request of Louis McHenry Howe, secretary to the President. Herman Freedman, president of Newslaughs, Inc., will fly to Washington for the occasion, with Cobb accompanying him.

Sues Over Fox Story

Suit to recover $100,000 in alleged damages against Upton Sinclair, author, and William Fox was filed in the Supreme Court yesterday by Rosika Schwimmer, who claims she was misquoted and maligned in "Upton Sinclair Presents William Fox."

Majority of Issues Slump

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24¼	23⅞	23⅞	— ⅛	200
Consolidated Film Industries	3½	3½	3½	+ ¼	100
Consolidated Film Industries, pfd	10⅜	9½	10⅜	+1	900
Eastman Kodak	78½	77	78½	+ ½	700
Fox Film "A"	16¾	16½	16¾	+ ⅝	300
Loew's, Inc.	32⅞	31⅝	32	— ¼	1,700
Paramount Publix	1⅝	1½	1⅝	.....	300
Pathe Exchange	1½	1⅜	1⅜	— ⅛	1,300
Pathe Exchange "A"	8¾	8¼	8¾	— ⅛	500
Warner Bros.	8⅛	7⅞	7¾	.....	8,100

Technicolor Gains One Half

	High	Low	Close	Net Change	Sales
Technicolor	13	11⅞	12⅞	+ ½	4,000

Paramount Publix Up One Half

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5¾	5¾	5¾	.....	12
General Theatre Equipment 6s '40, ctf	4½	4¼	4¼	.....	3
Loew's 6s '41, ww deb rights	85½	85	85	—1	5
Paramount Broadway 5½s '51	30⅛	30⅛	30⅛	—13⅛	1
Paramount F. L. 6s '47	34¼	32⅝	32⅝	—13⅛	6
Paramount Publix 5½s '50	32	31⅝	32	+ ½	6
Warner Bros. 6s '39, wd	46¾	46½	46¾	— ⅛	15

Purely Personal

ADOLPH ZUKOR will be host today to several Paramount executives, the Paramount trustees, CHARLES D. HILLES, EUGENE W. LEAKE and CHARLES E. RICHARDSON, and attorneys of the Root, Clark, Buckner & Ballentine office, counsel for the trustees, at the private golf course on the Zukor estate at New City, N. Y.

BILLY HOUSE, heavyweight comedian of Earl Carroll's "Murder at the Vanities," has been signed for a two-reel Vitaphone short. Production starts within a fortnight.

IRVING BERLIN left on a flight to the coast yesterday to visit JOSEPH M. SCHENCK and MAX WINSLOW, former manager of BERLIN's music firm, now a producer for Columbia.

HY DAAB has moved into winter headquarters at the Hotel Lexington from the bleak wastes of Westport.

HARRY SINGER, mid-west head of F. & M., left for St. Louis last night after conferences with MIKE MARCO.

ANN IZMAILOV, secretary to HARRY ARTHUR, is back on the job after taking an extended vacation abroad.

JACK SHEA, booker for Feiber & Shea, is handing out raves for "Footlight Parade."

HARRY COHN is in Washington conferring with brother Jack before hitting the Big Town.

ED WYNN will be back from Hollywood on Oct. 31.

WALLACE BEERY returns from his European trip today aboard the *Rex*.

Give Party for Stars

Al Christie and Jack White yesterday played host to several of the stars who will appear in the Educational shorts to be made at the Eastern Service Studios at Astoria. The party was held at the Long Island plant with Lillian Roth, Leo Donnelly, Stoopnagle and Budd, Charles Judels, Charles Mack, Gordon White and Joseph Skirball in attendance.

George Maloney Dead

KANSAS CITY, Oct. 11.—George A. Maloney, 53, owner and operator of the Paseo Theatre here, is dead. He had been bedridden several months. An exhibitor a number of years, at one time he operated the Ritz. Burial was in St. Joseph, Mo.

New Roxy Bookings

Following "Saturday's Millions," which opens tomorrow, the Roxy has dated "Walls of Gold" (Fox) starting Oct. 20; "Love, Honor and Oh Baby" (Universal), Oct. 27; "The Mad Game" (Fox), Nov. 3.

Kubitzki a Grandad

KANSAS CITY, Oct. 11.—W. J. Kubitzki, acting manager at the Fox exchange, is handing out cigars. His daughter has presented him with a grandson.

HANG ON TO EVERY WORD OF IT!

Metro-Goldwyn-Mayer Studio Wheels Hum In Record Production

"Dancing Lady," co-starring Joan Crawford and Clark Gable, is screening under Robert Z. Leonard's direction. In the cast are Franchot Tone, Fred Astaire, Nelson Eddy, Winnie Lightner, Ted Healy, Arthur Jarrett, Robert Benchly, Maynard Holmes, Grant Mitchell, May Robson, Florine McKinney and Arline Judge.

"Tarzan and His Mate" is shooting with Cedric Gibbons at the megaphone. In the cast are Johnny Weissmuller, Maureen O'Sullivan, Neil Hamilton, Paul Cavanaugh and Doris Lloyd.

"Queen Christina" reunites Greta Garbo and John Gilbert with Rouben Mamoulian directing. The cast includes Lewis Stone, Ian Keith, Elizabeth Young, Lawrence Grant, Reginald Owen, C. Aubrey Smith and Barbara Barondess.

"Bombshell" co-stars Jean Harlow and Lee Tracy under Victor Fleming's direction. In the cast are Franchot Tone, Frank Morgan, Una Merkel, Ivan Lebedeff, Martha Sleeper, Pat O'Brien, Ted Healy and Isabel Jewell.

"Hollywood Party" is screening with Richard Boleslavsky directing. The cast all-stars Marie Dressler, Joan Crawford, Jean Harlow, Jimmy Durante, Jack Pearl, Charles Butterworth, Laurel & Hardy, Mickey Mouse, Polly Moran and many more!

"Meet The Baron" joins Jimmy Durante and Jack Pearl (Baron Manchaussen) under Walter Lang's direction. In the cast are Ben Bard, Ted Healy and his "stooges," Charles Butterworth, Zazu Pitts and Edna May Oliver.

"Sequoia" is shooting on location with Chester Franklin and Nick Grinde co-directing. The cast includes Jean Parker, Russell Hardie and David Landau.

"Prize Fighter and The Lady" brings Max Baer, Primo Carnera and Jack Dempsey into the ring together with W. S. Van Dyke directing. In the cast are Myrna Loy, Walter Huston and Vincent Barnett.

"Cat and The Fiddle" co-stars Ramon Novarro and Jeanette MacDonald with William K. Howard directing. In the cast are Charles Butterworth, Vivienne Segal, Frank Morgan, Jean Hersholt, Henry Armetta and Sterling Holloway.

"The Chief" stars Ed Wynn with Charles F. Reisner directing. The cast includes Dorothy Mackail, William (Stage) Boyd, Chic Sale and Purnell Pratt.

"Going Hollywood" is Marion Davies' new vehicle. Raoul Walsh directs with the cast including Bing Crosby, Stuart Erwin, Fifi D'Orsay, Ned Sparks, Patsy Kelly, the Radio Rouges and Albertina Rasch Ballet.

"Forever Faithful" is directed by Richard Barbin with the cast headed by Charles Stuart Erwin, Una Merkel, Raymond Hatton, Spanky, and Isabel Jewell.

"Vinegar Tree" has Lionel Barrymore starred with Alice Brady, William Janney, Conway Tearle and Mary Carlisle in the cast. Harry Beaumont directs.

Preparing are the "Paradine Case" for John Barrymore, Lionel Barrymore and Diana Wynyard; "Viva Villa" to be filmed by Howard Hawks in Mexico with Wallace Beery; "Transcontinental Bus" for Robert Montgomery; "Comin' Round the Mountain" for May Robson and Polly Moran; "Miracle Mountain" which Clarence Brown will direct with Helen Hayes, and "Living In a Big Way" for Marie Dressler and Jean Harlow.

EXTRA!

"NIGHT FLIGHT" TERRIFIC!

Salt Lake City sends the first amazing report. Beats "Hell Divers" and "Tugboat Annie" previous record holders! Capitol, N. Y., Biggest in two months! Held over 2nd week! Wires pour in from everywhere. Watch "Night Flight" another M-G-M sensation!

HOLLYWOOD FLASH! *Two M-G-M pictures previewed to phenomenal acclaim this week:* "BOMBSHELL" *and* "MEET THE BARON." **You'll hear more!!**

Protests Follow Study of Draft

Objectors Are Making Delay Seem Likely

(Continued from page 1)

found most of it yet to be traversed. The labor provisions have been changed, its spokesmen say, and not to their liking. Arbitration which was set up in the first NRA draft has been changed, they contend, but changed to an extent which finds them unwilling to subscribe to the code in its present form. There is considerable unrest among its delegates, all of whom have been away from their businesses and homes for weeks and are now champing at the bit.

Academy Protesting

The Academy, through Lester Cowan, is opposing former Article 10 on the ground that it affects thousands of production factors in Hollywood and that it was prepared with no appreciation of the place which the individual holds in the making of pictures. It will recommend to Rosenblatt that a hearing on that phase of the code be held in Hollywood where creative workers may have opportunities to personally present their side of the case. In producer ranks, too, it is reported there is no unanimity of opinion on what was Article 10 in the first producers' code. Some elements there maintain the language is extra-legal and that the clause is not clear in intent as it now stands. This is understood to have been the subject of another night conference of major producing interests on the ninth floor of the Mayflower.

Mrs. Dorothy Bryant, representing Chorus Equity, is another who has complaints to make. She asserts her interests are not protected in the revised code on the ground it does not bind exhibitors to the work and pay conditions framed to govern chorus girls in vaudeville and presentation houses.

Labor Men Complain

At the Willard, which is the stronghold of the labor division, complaints are being aired openly around the lobby that the code as proposed fails to give organized labor all that it feels it should get.

Rosenblatt admitted today that the remaining 15 per cent of the code is still undetermined and refused to hazard a guess when the parleys will be concluded. Inclusion of former Articles 9 and 10 in the present code draft are construable as indicating the deputy finds them acceptable insofar as the NRA is concerned. Representatives of agents, however, do not agree, and today met with J. Robert Rubin in an effort to effect changes in the phraseology of this provision, which is one of the most drastic in the entire code. Rosenblatt denied that these two articles which have raised so much discussion were dropped into the code as a stop-gap in order to make it possible to present a completed, although not as yet accepted, code for the NRA to study.

Roosevelt for Pay Halt; Daily Story Is Confirmed

(Continued from page 1)

deputy and today reversed his line of approach when opportunity came to ask the President a direct question.

The answer is understood to have pertained to the original thought voiced by the Administration several weeks ago rather than to indicate that the request for information directed at Rosenblatt was brand new.

MOTION PICTURE DAILY's first story thus is now officially confirmed and completely vindicated. When it first appeared the major producers, of course, knew it was authentic. Others doubted its veracity, and still others were inclined to scoff.

On the heels of the White House attitude came an effort on the part of major producers to incorporate in the former Article 10 a salary-fixing commission. Doubt over the legality of such a commission and the right of any code to regulate maximum salaries eventually resulted in scrapping the plan after many weeks of day and night sessions.

Indications are, however, that the Administration continues to favor salary restrictions as a general step for the industry's own good. The practicability of setting up the machinery to do so is something that has not, and probably won't be, solved.

In Washington Once More

WASHINGTON, Oct. 11.—Hollywood troubles were unburdened by Jack Cohn, Columbia vice-prexy, last night.

He was telling the yarn of a Scenarist who had been signed by one of the major studios at $125 a week. Later, the writer went to another major at $350 and shortly beyond that came realization he was not so good. The studio sought to break the contract and the ranking executive invited the scrivener to lunch to talk it over.

The head of a third plant saw the two together and figured Number 2 man had run into something good. He began negotiations and, largely on the strength of the send-off which Number 2 gave the writing man, signed him at $750.

Just then, Eddie Golden interrupted with: "When does the original studio sign him again?"

●

A sad day for Sam Dembow. He loses all three bets with George Skouras. The latter claimed world Jews totalled 16,000,000. The American Jewish Year Book gives 15,191,218. The Department of Census asserts Greeks in the United States are 303,000. Skouras figured there were 300,000. The result of all this is that Dembow helps outfit Skouras for the fall with a hat, a suit and an overcoat.

●

How he hired a swank woman's orchestra to play near-symphonic music for a Department of Health picture dealing with disease in Boston years ago is one of the prize yarns Golden has been telling around the lobby. It's a panic.

●

From the sick bay: Dave Palfreyman improving steadily. Bill Jaffee, ditto.

●

Nathan Burkan has had bad luck with his hats. His latest creation, Washington bought, represents his fourth since the code got going. The plan now is to wear it at all times in, out, and during producers' meetings.

●

Harry Cohn is here and tonight wanted to make a statement on the code. Here it is. "I have nothing to say, but don't quote me." Then he left for a night football game.

●

Fred Meyer in again. Several teeth have cracked on him. He says it's from chewing the code.

●

Allied descending on the city again today. Back for the third time are Al Steffes, H. M. Richey, H. A. Cole. New is Glenn Cross. Expected Thursday are Sidney Samuelson and Nate Yamins.

MPTOA Men Now Against Signing Code

(Continued from page 1)

given up hope of a satisfactory solution, however. In a statement tonight he said:

"We have not had time to completely analyze the last edition of the code as submitted by Mr. Rosenblatt on the evening of Oct. 10. So far we have found several changes as to the phraseology in quite a few provisions. Some of them in our opinion are completely a change of intent and meaning of the provisions.

"We have not yet found time to get Mr. Rosenblatt's interpretation of these changes. Therefore we are reluctant to approve or condemn them. There have also been some important changes in the labor provisions which we think are fundamental. Therefore we are continuing an analysis of the last issue of the code and meet with Rosenblatt at his convenience, but as early as possible to discuss these changes with him. We are still very hopeful that a fair and equitable code will be worked out."

The hitch on labor is the change in the arbitration formula which the M.P.T.O.A. men feel deprive them of the rights originally agreed upon.

Barrist Insists Penn Unit Still in MPTOA

WASHINGTON, Oct. 11.—David Barrist of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, considers his unit still a member of the national M.P.T.O.A., despite the fact he was among the signatories to last week's insurgent move. He so told the M.P.T.O.A. men here tonight.

Chorus Code Terms Cause New Protest

(Continued from page 1)

contractors of stage units, but not the exhibitors who book them.

Mrs. Bryant claimed that contractors played no part in framing the terms and were not even consulted, and consequently say they are not bound by them. Unless the code terms, which are satisfactory, are made enforceable upon exhibitors such as the large circuits, Mrs. Bryant says the code will not give her group the protection it was promised.

It is understood that Mrs. Bryant was told by Deputy NRA Administrator Sol A. Rosenblatt that the code authority would take care of any exhibitor violations, but she insists that the enforcement language belongs in black and white and in the code.

WASHINGTON, Oct. 11.—Hollywood extras are gratified over terms of the industry code applying to them and today wired their appreciation to Deputy NRA Administrator Sol A. Rosenblatt. The wire was signed by Allan Garcia, chairman of the extras code committee.

Myers Is Hopeful-Cowan Insistent

Myers Doubts His Group Is To Be Ignored

(*Continued from page* 1)

After MOTION PICTURE DAILY's story of this morning had been telephoned to him from New York:

"I can scarcely credit statements attributed to Mr. Rosenblatt concerning the activities of certain exhibitors in wiring protests against Mr. Rosenblatt's draft of the motion picture code. Mr. Rosenblatt infers the analysis of his code being prepared by representatives of independent exhibitors, distributors and producers will be ignored because certain exhibitors and others have exercised their right under the first amendment to the Constitution 'to petition the Government for redress of grievances.' This is a position which a government officer cannot sustain and I sincerely doubt whether Mr. Rosenblatt, on mature reflection, will carry out his implied threat."

Confirming MOTION PICTURE DAILY's Tuesday story that the analysis would not be ready today, Myers said Friday morning is now the time.

"The independents," he said, "have respectfully asked that they be allowed until Friday morning to file their views on Mr. Rosenblatt's code, and if that request is disregarded or denied such action will make an innovation in government procedure."

The question of whether or not Rosenblatt will give any consideration to the independents' code analysis depends on the rapidity with which various NRA boards scrutinize the second code form and submit their reports on it, according to Rosenblatt.

Indications are heavily against the reopening of discussions on the trade practice clauses of the code which have already been torn apart and pieced together again in the weeks of conferencing here.

Rosenblatt Declares For Living Wages

(*Continued from page* 1)

this morning, declared a minimum wage was not enough unless that minimum was a living wage. Speaking as an official of the NRA and thereby reflecting its attitude, he elicited applause from hundreds of labor delegates when he declared the standard wage established over a long period of years must not be destroyed nor impaired.

"If men are worthy of their hire they must be paid commensurately with their work," he said and cited instances where he had been informed that some men were working for as low as from 85 cents to $2.25 a week. These men, he said, might just as well be out of work. Whether or not he referred to the amusement industries it was not stipulated.

Cowan Urges Leaving Out Old Article 10 from Code

WASHINGTON, Oct. 11.—Academy of M. P. Arts and Sciences tonight advocated dropping old Article 10 in the producers' code, now Part 5 of the producers' section of the second NRA draft, pending a complete hearing and probe in Hollywood of the situation pertaining to stars and players by Deputy NRA Administrator Sol A. Rosenblatt.

Lester Cowan, executive secretary of the Academy, is responsible for the recommendation, which, he says, is based on the need to determine what effect this article will have on production. The article is designed to eliminate talent "raiding" and restrain a producer from making an offer to a player until 30 days prior to the termination of his service with a rival producer.

The Academy secretary claims creative talent has not been given a fair shake here on three counts. The first is that codifiers from the major companies are eastern business men and that not one of them is experienced directly as a producer and therefore not intimately informed on production vicissitudes. The second is that their being represented here by lawyers proved a handicap rather than a help to artists, in that they would have presented a stronger case had they been present personally, says Cowan. The third is the argument that the production industry is unique and cannot be handled like the labor equation in other fields because in pictures individuals rate so vitally.

Cowan says he has no idea whether Rosenblatt will go for the idea or not. He warns, however, that if the disputed article goes into the code the entire production system in Hollywood faces danger of being undermined in 90 days.

Sees Artists Made "Serfs"

"This article," he asserts, "will sow seeds of unrest. It will make serfs of individuals without whom the industry cannot get along. Implications that threats and the mailed fist will be used in a community where enthusiasm and freedom should prevail are far more damaging than has been realized and imperil the whole NRA program. Much has been said here about star salaries, but nothing about quality production."

Cowan says the Academy also objects strenuously to the so-called "blacklist" inferences in the code, which are embodied in Section 7 of this same article and the text of which is published in full on page 7 today. In this connection Cowan says he will insist that an impartial tribunal try such a player and not the code authority, on the ground the latter body will have on it many members who also are employers, and a player so tried may not get a fair trial.

The Academy has also gone on record against Section 8 of the code authority provision which would permit the body to prescribe additional rules governing the conduct of producers, distributors and exhibitors. The Academy says this may allow regulatory practices for creative workers in addition to those embraced in the final code.

Cowan says he is speaking officially for the Academy on all these points, including actors. He takes no recognition of the withdrawal of many important marquee names from the Academy, asserting only about 17 have resigned as against an active membership of 350.

That Cowan Letter

Washington, Oct. 11.—It's getting to be funny, is that mystery over the Academy's request for a public hearing on the star "raiding" clause which supplanted the former Article 10 of the producers' code. Deputy NRA Administrator Sol A. Rosenblatt vigorously asserted again today that he had had no communication, written or verbal, from Lester Cowan, Academy secretary, making any such request, and declared that he wouldn't grant it even if one had reached him.

Cowan, quite as vigorously, insists the letter went forward to Rosenblatt Tuesday night and offers to produce a carbon copy as proof. He still wants a public hearing, but in Hollywood, not in Washington.

Theatres Must Help Pay Code Authority

(*Continued from page* 1)

far, as well, is how overhead will be apportioned among the three major branches of the industry.

The code as it now stands gives the code authority the privilege of hiring whomever it wants at any salary. Members of the code authority, too, are to be paid on a basis not determined. All of this cost will be added to the industry overhead in addition to the $9,000,000 which is a reliable estimate of the increases to labor.

Say Detroit Allied Endorsed Code Stand

WASHINGTON, Oct. 11.—Sixty-five members of Allied of Michigan meeting in Detroit Tuesday unanimously endorsed the code stand taken by the national organization, H. M. Richey and J. C. Ritter, according to Richey.

Richey stated the voters represented 75 per cent of Detroit's membership. Commenting on the protest of other Detroit exhibitors who claim Mid-States Theatres is putting them out of business, Richey said: "I'm for them. They want the right to buy and so do I."

Trustees May Attack Para. Theatre Deals

(*Continued from page* 1)

are the deals by which Paramount acquired 176 theatres belonging to the Kunsky-Trendle circuit, Detroit; Great States circuit, Illinois; Dent Circuit, Texas and New Mexico; Richards & Nace circuit, Arizona, and the Hostettler circuit of Iowa and Nebraska, during 1930 and '31.

Ralph A. Kohn, head of Paramount Publix theatre operations, testified at a hearing last May before Referee Davis that Paramount had acquired these theatres by issuing stock which was subsequently repurchased at a guaranteed price of $10,766,360 at a time when the market value of the stock aggregated $3,409,892.

It was revealed at a hearing last week that Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the Paramount trustees, have retained an independent accounting company to go over all stock repurchase agreements. Pending completion of the accountants' study, Referee Davis ruled against further inquiry by creditors' attorneys into the transaction by which Paramount acquired a half interest in the Columbia Broadcasting System.

Isseks Explains Move

Yesterday, Samuel S. Isseks, counsel for the trustees, stated that in causing the accountants' investigation of the stock repurchase deals the trustees "had in mind the advisability of attacking them."

Additional bonuses paid to Adolph Zukor, Jesse L. Lasky, Sidney R. Kent, Sam Katz and Kohn were revealed by Isseks yesterday. The payments were for the years 1927 and '28.

In 1927, Isseks said, Zukor and Lasky each received cash bonuses of $260,000; Kent, $196,000; Katz, $131,000 and Kohn, $30,000. No stock bonuses were paid that year, he said.

In 1928, Zukor and Lasky received salaries of $130,000 and bonuses of 4,597 shares of stock having a market value of $52 per share; Kent and Katz received salaries of $104,000 cash and bonuses of 3,677 shares of stock of the same market value, while Kohn received a salary of $45,000 and a bonus of 1,096 shares, also at the same market value.

It had been previously testified that for 1929 the five executives received a total of $2,250,000 in bonuses in addition to their salaries, and in 1930 they received a total of $756,873 in bonuses. No bonus payments were made in 1930 or '31, it was testified.

Kohn submitted yesterday to a two-hour grilling by Samuel Zirn, attorney for a Paramount bondholders' group, who attempted a further inquiry into the Columbia Broadcasting and Film Productions Corp. deals without eliciting new information. Zirn's examination will be terminated at the next meeting, Oct. 18, Referee Davis ruled yesterday.

Important Clauses Are Clarified

Authority's Powers May Be Extended

WASHINGTON, Oct. 11.—Extension of the code authority's power to cover future contingencies is provided for in the revised NRA draft of the industry code. New rules can be made from time to time covering relations between producers and between producers and their employes, but hearings must be held on these before the administrator approves them.

Some of the important new provisions covering labor provide that where there are no A. F. of L. unions members of unaffiliated unions can settle disputes through representatives named by their own presidents, and non-union workers can choose their own representatives. This clears up the contention that the first NRA draft would extend the power of the I. A. T. S. E. into territories where it is not now represented.

The complete text of the new provisions covering agents and the much-discussed 10 per cent cancellation clauses, are printed below.

While the complete personnel of the code authority is still a secret, the code specifically provides for additional members from time to time to handle various problems as they arise. The new provisions are listed as Sections 8, 9 and 10. They read:

8. The code authority, after notice and hearing, may prescribe additional rules governing the conduct of producers, distributors and exhibitors among themselves and with each other and their employes, which rules shall be submitted to the administrator and, if approved by him, shall constitute rules of fair practice for the industry, and any violation thereof shall constitute a violation of this code.

9. The code authority shall, to such extent and in such manner as may seem most useful, utilize the facilities of national, regional and local trade associations, groups, institutes, boards and organizations in the industry.

10. No member of the code authority shall sit on any matter involving his company's or his own interest directly and as a class.

Free Lance Terms

New provisions covering free lance players read:

Section 3(A). PROVISIONS REGARDING FREE LANCE PLAYERS.

The code authority provided for in this code shall undertake and provide for rules and regulations to be binding upon all producers with respect to free lance players, and shall appoint a standing committee representative of employers, free lance players, and the public, to effectuate the foregoing purposes and to interpret the terms of any provisions, made for free lance players, and to supervise the same, receive and pass on complaints and grievances, and to otherwise aid in effectuating the foregoing provisions.

Such standing committee, under the supervision of the code authority, shall make full investigation with respect to the working conditions of such free lance players and shall undertake in and provide for by the rules and regulations hereinabove provided for with respect to hours for employment for such free lance players, rotation and distribution of work to such reasonable degree as may be possible and practicable, and minimum adequate compensation therefor.

Some parts of the labor provisions of the code as it now stands have been made more explicit. The portions set in italics below are new:

PART 1. LABOR OTHER THAN ACTORS.

Section 1. No person under 16 years of age shall be employed; provided, however, that where a state law provides a higher minimum age no person below the age specified by such state law shall be employed within that state.

Section 2. No employe, *notwithstanding the provisions of Section 6 (a) hereof*, shall work more than 40 hours in one week, except that such maximum hours shall not apply to employes in a managerial, executive or advisory capacity who now receive $35 or more per week, *or to employes whose duties are of general utilitarian character, or to emergencies.*

Section 3. With respect to employes regularly employed as ticket-sellers, doormen, ushers, cleaners, matrons, watchmen, attendants, porters, and office help, such employes shall receive not less than a 20 per cent increase over the wage paid to them as of Aug. 1, 1933, in cities and towns having a population of less than 15,,000, provided that this shall not require a wage for these employes in excess of 25 cents per hour.

Adjustment of Disputes

Adjustment of labor disputes has been shifted so that in communities where employes are members of a union not affiliated with the A. F. of L. they can negotiate through a representative appointed by their president. In cases where employes are not organized they can name their own representative. This eliminates the provisions requiring negotiations through the A. F. of L. everywhere.

An entirely new section covering musicians reads:

Section 9. By reason of the professional character of their employment, the minimum wage and maximum hours of employment of employes performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings, or practices.

Section 10. With respect to disputes arising between employes and employers in the exhibition branch of the motion picture industry, the parties pledge themselves to attempt to mediate all such disputes.

Provisions on Agents

The sections covering agents, regarded as most explicit and drastic, follow:

PART 4. SECTION 1.

No producer, directly or indirectly, shall transact any business relating to the production of motion pictures with any agent who shall be adjudged by the code authority as hereinafter provided:

(a) to have given, offered or promised to any employe of any producer any gift or gratuity to influence the action of such employe in relation to the business of such producer;

(b) to have alienated or enticed, or to have attempted to alienate or entice any employe under written contract of employment, from such employment or to have induced or advised without justification any employe to do any act or thing in conflict with such employe's obligation to perform in good faith any contract of employment, whether oral or written;

(c) knowingly to have made any materially false representation to any producer in negotiations with such producer affecting the employment or contemplated employment of any person represented by such agent;

(d) to have violated or evaded, or to have attempted to violate or evade, directly or indirectly, any of the provisions of PART 5 of this ARTICLE V of the code;

(e) to have failed or refused to secure any license to transact business as an agent which may be required by the code authority, or to have transacted business as an agent after his license shall have been revoked, cancelled or suspended by the code authority.

SECTION 2. In order to effectuate the purposes of this part, the code authority may, upon such uniform terms and conditions as it shall deem proper, and after notice and a full and fair hearing, require all persons desiring to transact an agency business to secure licenses from it (which license shall be in addition to any permit or license required by any state or municipal law or ordinance), and may suspend, revoke or cancel any such license upon finding, after notice and a full and fair hearing, that the holder thereof has violated or failed or refused to comply with any of the provisions of this part affecting agents or the rules and regulations affecting agents prescribed by the code authority.

Code Authority Powers

Should the code authority determine to license agents as hereinabove provided for, then all persons regularly transacting business as agents at that time shall be entitled to receive agency licenses, provided they make application to the code authority within 30 days thereafter.

SECTION 3. The code authority may, after notice and hearing, set up rules of fair practice governing relations between agents, employes and producers or any two of them.

SECTION 4. No producer or any employe of any producer shall henceforth, directly or indirectly, engage in, carry on or in any way be financially interested in or connected with the business of an agent as herein defined, without making known such fact to the code authority, either within 20 days from the effective date or if such interest is acquired subsequently to the effective date, then within 10 days after the acquisition of such interest. The code authority shall require such public disclosure to be made of such interest as it may deem advisable.

SECTION 5. All acts, decisions or recommendations of the code authority with respect to this PART 4 shall be subject to the approval of the administrator, who shall have full power to decide, and his decision shall be final. No act, decision or recommendation of the code authority shall become final without such approval. A complete transcript of all testimony and arguments shall be made and certified to the administrator, together with the findings and decision or recommendation of the code authority. The administrator may conduct such further investigations and hearings as to him may seem necessary or advisable.

SECTION 6. The term "Agent" as used herein shall apply to any person (including firms, corporations or associations) who, for a fee or other valuable consideration to be paid by the employe, procures, promises or undertakes to procure employment for any person for or in connection with the production of motion pictures.

SECTION 7. For the purpose of fully effectuating the provisions of this PART, the word "employes" as used in ARTICLE II of this code shall be deemed to include agents.

PART 5. SECTION 1.

No producer, directly or indirectly, secretly or otherwise, shall

(a) Entice or alienate from his employment any employe of any other producer or induce or advise any such employe to do anything in conflict or inconsistent with such employe's obligation to perform in good faith any contract of employment.

(b) Foment dissension, discord or strife between any employe of any other producer and his employer with the effect of securing the employe's release from employment or a change in the terms of any contract under which the employe is engaged or of causing the employe to be or become dissatisfied with his existing contract.

(c) In any manner whatsoever negotiate with or make any offer for or to any employe under written contract to any other producer prior to the last 30 days of the term of the contract of employment, regardless of the compensation.

SECTION 2. All production employes rendering services of an artistic, creative, technical or executive nature, for the purpose of this PART, shall be classified as follows:

Explains "Contract"

(a) Employes not under written contract who are employed at not less than $250 per week or $2,500 per picture.

(b) Employes under written contract, for a period, inclusive of options, if any, of less than one year, whose compensation is not less than $250 per week or $2,500 per picture.

(c) Employes under written contract for the period of at least one year, or at least three pictures, inclusive of options, if any, whose compensation is not less than $250 per week (exclusive of lay-off periods) or $2,500 per picture.

The term "contract" as used in subdivisions (b) and (c) shall be deemed to mean and include not only any existing contract with any producer, but also any prior contract with such producer or with any parent, subsidiary or predecessor corporation of such producer, provided that the employment thereunder has been or may be continuous.

(d) Nothing hereinbefore in SECTION 1 or in subdivisions (a), (b) and (c) of this section contained shall apply to so-called free lance players, writers, directors or other employes who are engaged to render services of an artistic or creative nature in connection with one or two pictures only, unless the actual period of employment of any such employe is intended to or shall cover a minimum period of one year.

SECTION 3. Should any producer make any offer for the services of any employe of any other producer, and such employe is classified within either subdivision (a), (b) or (c) of SECTION 2, and registered as hereinafter in SECTION 6 provided, then on the same day such offer is made the producer making such offer shall notify the employing producer in writing that such offer has been made and shall state the full and complete terms and conditions thereof, including particularly the compensation, the proposed period of employment and any additional special terms. The producer mak-

Code Authority Now Regarded As Boon; Personnel Awaited

Washington, Oct. 11.—If it works in practice as it looks on paper, the code authority will prove a boon to the industry, in the opinion of many exhibitors here. Therefore, they are anxiously awaiting the setup to see how the personnel breaks down into the major industry divisions, asserting this will tell the story through the naming of the various members of the grievance as well as zoning and clearance boards, since the entire machinery having to do with exhibitor and distributor complaints will be controlled by the code authority.

Elimination of over-buying and general enforcement of all trade practices are among the duties which these territorial clearing houses are to handle. Exhibitors realize this and some of them are concerned over it. All are anxiously awaiting the names in whose hands their future and fate rest almost entirely.

Code Provides For New Rules As Need Arises

Talent-Signing Provisions Cited

Producers Can Match Offers Of Others

ıg such offer shall not execute any pro-osed contract with such employe until ıe employing producer has been afforded reasonable opportunity to negotiate with uch employe for his continued services nd all offers made shall be conditional nly, in order to effectuate the provisions ereof, but such offer shall remain open, evertheless, for acceptance by the em-loye, for a period of at least 24 hours eyond the period permitted the employ-ıg producer to negotiate under the pro-isions of this section and of SECTION

Simultaneously a copy of said notice hall be delivered to the registrar herein-fter provided for and hereinafter some-imes referred to as the registrar. There-pon the employing producer, if he elects o do so and providing the employe con-ents, shall be entitled to contract with uch employe on such terms as may be utually acceptable but at all times the mploye shall have a free and independent hoice as to which offer he will accept.

The notice hereinabove provided for need e given, however, with reference to em-loyes classified in subdivisions (b) and c) of SECTION 2 only upon the condi-ion that prior to the last 30-day period f employment, the employing producer hall have made an offer in good faith o such employe for a renewal or exten-ion of his contract of employment and hall have communicated that fact to the egistrar.

May See Rival Offers

SECTION 4. Should any producer desire o continue, renew or extend the period f employment of any employe classified within subdivision (c) of SECTION 2 here-f, and if he shall have evidenced such lesire by making an offer in good faith o such employe prior to the last 30-day period of his employment and such offer e rejected, such producer nevertheless hall be entiled to notice of offers which nay be made to such employe by other producers, during the period hereinafter provided, following the termination of such employment. Should any other producer nake any offer for the services of any such employe of the first employing pro-lucer within such period, then on the same lay that such offer is made such producer hall notify the former employing pro-lucer and the registrar in like manner as s provided for in SECTION 3, and in such case the first employing producer hall be entitled to the same rights as are accorded the employing producer in SECTION 3 hereof. The period during which the first employing producer shall e entitled to notice of offers made by other producers, as hereinabove provided for, shall be three months from the date of termination of the first employment in all cases where the compensation for the employe in connection with the for-ner employment was at the rate of less than $1,000 per week (exclusive of lay-off periods), or if the employe was em-ployed on a picture basis, less than $10,-000 per picture. In all other cases the period shall be six months.

SECTION 5. No producer, distributor or exhibitor shall violate or aid or abet in the violation of this part. It shall e an unfair trade practice for any pro-lucer to use coercion to prevent offers be-ing made any employe by other pro-ducers.

Determining Good Faith

SECTION 6. The registrar shall have full power and authority to determine the good faith of any offer made by the first employing producer, so as to entitle said first employing producer to notice of sub-sequent offers, as hereinabove provide for, and as to whether the period within such notice must be given should be for three or six months. The registrar shall also provide an appropriate method whereby all producers may ascertain in each in-stance when and the period during which notices of offers are to be transmitted to the employing or former employing pro-ducer. Said registrar shall also prescribe the procedure so as to prevent any em-ploying or any former employing pro-ducer from any unreasonable delay or from withholding any action or decision permitted under the provisions hereto, to the end that the immediate employment of any person with whom any other pro-ducer desires to contract shall not be un-reasonably delayed or prevented. In such connection the registrar shall have power in any instance to designate a reasonable period, in no event to exceed three days, within which the second producer shall be precluded from executing any proposed contract with the employe or former em-ploye of the first employing or former employing producer.

Notwithstanding anything contained in this part to the contrary, the provisions of this part shall apply only to employes whose names are registered with the reg-istrar by the employing producer and the right of registration or continued reg-istration may be determined in any in-stance by the registrar either upon his own motion or on application of any per-son interested, including the employe af-fected. In the event of the termination for any reason whatsoever of the em-ployment of any person whose name is registered the former employing producer shall notify the registrar in writing forth-with of such termination. Any producer may withdraw from registration the name of any employe or by written notice served on the registrar may waive the right to be notified of offers made to any employe by any other producer, but he shall not refrain from registering the name of any employe, withdraw any name so registered or waive any such right to notice by vir-tue of any agreement to that effect with the employe. The registrar shall provide an appropriate method for notifying all producers promptly of all registrations, withdrawal of registrations, terminations of employment and waivers.

Punishing Recalcitrants

SECTION 7. If the code authority, or any committee appointed by it for that pur-pose, after notice and hearing shall find that any employe of any producer has refused without just cause to perform his obligations under any contract of employ-ment, the code authority shall have full power and authority, with the approval of the administrator, to order all pro-ducers to refrain from employing any such person in connection with the busi-ness of producing motion pictures for such period of time as may be designated by the code authority, and it shall be an unfair trade practice for any producer to employ such person in violation of such order, or for any distributor or exhibitor, respectively, to distribute or exhibit any picture produced by or with the aid of such person, during the same period or time, regardless of where or how such picture may have been produced. Such hearing shall be conducted only upon due notice. A full and fair opportunity shall be afforded to all interested parties to appear. A complete transcript of all tes-timony and arguments, together with the findings and order of the code authority shall be made and certified to the ad-ministrator, who may approve, reject or modify such order and in such connection conduct such further investigations and hearings as to him may seem necessary or advisable. The order of the adminis-trator shall be final.

Power to Restrict Producer

SECTION 8. If any producer deliber-ately, wilfully, or persistently violates any of the provisions of this part and the code authority so finds and such finding is upheld by the administrator, the code authority, with the approval of the ad-ministrator, shall have power to impose such restrictions, prohibitions or condi-tions as it may deem proper upon the distribution or exhibition of pictures pro-duced by any such offending producer. Due notice of the ruling of the code au-thority, as approved by the administrator shall be published in such manner as the code authority prescribes.

SECTION 9. The registrar shall be ap-pointed and removed by the code author-ity, at will, and any act or decision of the registrar shall be subject to review, reversal or modification by the code au-thority on its own motion or on application of any interested party, and the code au-thority may conduct such further investi-gations or hearings as it deems proper in the premises.

PART 6.

(a) No cartoon producer shall employ any person during such time as he is em-ployed full time by another.

(b) No cartoon producer shall make any offer directly or indirectly of any money inducement or advantage of any kind to any employe of any other cartoon pro-ducer in an effort to entice, persuade or induce such employe to leave or become dissatisfied or to breach any contract cov-ering his employment.

(c) No cartoon producer shall adapt a cartoon character of another in such man-ner that the use of the adapted character shall constitute an appropriation by him of the good will of the creator.

Must Offer Added Films

Under the general heading "Dis-tributors" a new clause has been in-serted which makes it mandatory for distributors to offer features added to their schedules during any season to an exhibitor who has contracted for 50 per cent of the season's product.

The new section reads:

PART II.

(a) If any exhibitor has contracted to exhibit more than 50 per cent of the total number of motion pictures announced for release during any given season by a dis-tributor and such distributor shall during such season generally release any feature motion picture in addition to the number so announced, such distributor shall first offer to the exhibitor for license such additional motion pictures for exhibition at the exhibitor's theatre, provided that at the time of such offer such exhibitor shall have duly performed all the terms and conditions of all existing exhibition contracts between such exhibitor and dis-tributor and is not in default thereunder.

(b) In cases where two exhibitors have each contracted to exhibit, respectively, an equal division (i.e., 50%) of the num-ber of motion pictures announced for re-lease by a distributor during any given season, and the distributor shall generally release during such season any feature motion picture in addition to the number so announced, such distributor shall first offer such additional motion picture for license to one of such exhibitors, in the discretion of the distributor, provided that at the time of such offer such exhibitor shall have duly performed all the terms and conditions of all existing exhibition contracts between such exhibitor and dis-tributor and is not in default thereunder.

PART 12. In each territory wherein any distributor maintains an exchange, such distributor shall abide by the regula-tions promulgated by the code authority for the prevention of fire, for the holding of fire drills, and rigid monthly inspec-tions, the inspection of prints, the storing of inflammable material, the maintenance and testing of sprinkler systems and fire extinguishers, the avoidance of smoking and other cautions, methods and devices to protect the lives of employes and the public and to insure safety against fire hazards.

Cancellation Clauses

The much-discussed cancellation clause reads as follows in the latest revision:

PART 6.

(a) If in any license agreement for the exhibition of feature motion pictures the exhibitor has contracted to exhibit all of the motion pictures offered at one time by the distributor to the exhibitor and the license fees of all thereof average $250 or less, the exhibitor shall have the privilege to exclude from such license agreement not to exceed 10 per cent of the total number of the motion pictures so licensed; provided the exhibitor (1) is not in default under such license agreement, and (2) shall have fully complied with all of the provisions thereof, if any, for the exhibition of such motion pictures at specified intervals.

(b) Such privilege of exclusion may be exercised only upon the following terms and conditions:

(1) The exhibitor shall give to the dis-tributor written notice of each motion picture to be excluded within 14 days after the general release date thereof in the exchange territory out of which the exhibitor is served.

(2) The exhibitor may exclude without payment therefor only one motion picture for each 10 per cent of the number of feature motion pictures specified in the license agreement and theretofore exhibited thereunder.

(3) If such privilege of exclusion may not be exercised as provided in Paragraph (b) (2), the exhibitor may nevertheless exercise such privilege by paying the license fee of each motion picture excluded with the notice of its exclusion.

In each such case, such payment shall be credited against each motion picture which the exhibitor would otherwise be privileged to exclude as provided in Paragraph (b) (2).

(c) Upon the failure or refusal of the exhibitor to fully and completely comply with any term or condition of such license agreement, or to comply with any arbi-tration award in respect thereto, the privilege of exclusion forthwith shall be revoked and the exhibitor shall be liable for and pay to the distributor the license fees of all motion pictures theretofore excluded.

(d) If the license fee of any feature motion picture specified in the license agreement is to be computed in whole or in part upon a percentage of the receipts of the exhibitor's theatre, such license fee (for the purpose of computing the aver-age license fee of all of the motion pic-tures licensed) shall be determined as fol-lows:

How to Determine Fees

(1) average the license fees of all of the distributor's feature motion pictures exhibited upon a percentage basis at the exhibitor's theatre, during the period of one year prior to the term of such li-cense agreement.

(2) If none of the distributor's feature motion pictures were exhibited upon a percentage basis at such theatre during said period, average the license fees of all feature motion pictures exhibited upon a percentage basis at such theatre during the said period.

(e) If the rental of any motion picture excluded is to be computed in whole or in part upon a percentage of the re-ceipts of the exhibitor's theatre, the sum to be paid by the exhibitor as provided in paragraph (b) (3) hereof shall be deter-mined as follows:

(1) Average the gross receipts of all the distributor's feature motion pictures exhibited at the exhibitor's theatre during the 90-day period preceding the exhibitor's notice of exclusion, and apply to such av-erage the percentage terms specified in the license agreement for the picture ex-cluded.

(2) If no feature motion pictures of the distributor were exhibited at the exhibi-tor's theatre during said 90-day period, average the daily gross receipts of the exhibitor's theatre for the period of 30 operating days preceding the exhibitor's notice of exclusion and apply to such av-erage the percentage terms specified in the license agreement for the picture ex-cluded.

(f) In computing the number of feature motion pictures which may be excluded hereunder, fractions of one-half or less shall be disregarded.

(g) Upon the exclusion of each feature motion picture, the license therefor and all rights thereunder shall terminate and shall revert to the distributor.

(h) The optional standard license agree-ment referred to in PART 1 hereof shall be deemed amended by substituting in place of Article 15 of such contract the provisions of this part.

Cartoonists Quiet

Washington, Oct. 11.—At one time or another, having heard from anybody and everybody connected with the industry, including sign writ-ers and their assistants, Deputy Administrator Sol A. Rosenblatt draws the conclu-sion that cartoon producers are the one industry group who must be satisfied with things as they are. He hasn't had a peep from them.

Added Films Open to Exhib with 50% Pact

The
FOUR MARX BROTHERS
in Paramount's
"DUCK SOUP"
Directed by
LEO McCAREY

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Split Within Hays Ranks On Three Issues Averted

Code Authority Reduced to 10 Film and Three Government Men

Washington, Oct. 12.—The code authority will be composed of 10, not 12, film men and three government representatives, the latter without vote.

Continuing to decline to make known its personnel, Deputy NRA Administrator Sol A. Rosenblatt has made his final selections nevertheless, the *Motion Picture Daily* learned today. With the reduction of those empowered to vote to 10, it is a foregone conclusion that among those included are S. R. Kent, Nicholas M. Schenck, H. M. Warner, George Schaefer, R. H. Cochrane, Ed Kuykendall, Nathan Yamins, W. Ray Johnston. The other two are unknown, but probably one will be Charles L. O'Reilly. It has been definitely determined that labor will not be represented.

Code Remains About Same; Major Executives Depart

WASHINGTON, Oct. 12. — Progress toward a final completion of the code made no appreciable advances today in the face of a careful statement made by Deputy NRA Administrator Sol A. Rosenblatt that he hoped to settle argued points with various groups by Saturday.

If that objective is attained, it will be minus alterations in former Article 10, over which the battle of weeks continued to rage.

Today head and ranking executives of the major companies fulfilled their eagerly anticipated wish and left for New York on the Congressional Limited. The departing codifiers included Sidney R. Kent, Harry M. Warner, Nicholas M. Schenck, R. H.

(Continued on page 6)

Duals, Shorts, Salary Control Arguments Sidetracked

By RED KANN

WASHINGTON, Oct. 12.—A split in the Hays organization has been averted, and what threatened seriously to be a schism at the code deliberations is now definitely out of the running. At the same time, however, all elements are not entirely in accord in their views. While this lack of accord has resulted in tension, member companies will stick it out together.

The threatened break in the ranks developed over three points. One was double features. A second was combining shorts with feature sales and a third was the interminable arguments which raged for weeks over the question of fixing top line salaries. Those agreeing to stick together are Nicholas M. Schenck, S. R. Kent, H. M. Warner, George Schaefer and B. B. Kahane, as representatives of the major distributors which are also heavily interested in exhibition.

Aligned on the other side were, and are, R. H. Cochrane, Harry Cohn,

(Continued on page 4)

Coast Talent Bitter Over Clauses 9, 10

"Passive Resistance" Is Talked by Some

HOLLYWOOD, Oct. 12. — Resentment among actors and writers over the inclusion of Article 9 and the old Article 10, the agents' and "star raiding" clauses, in the production code has reached the point where there is talk of Ghandi-like "passive resistance."

The prediction is made openly that insistence on inclusion of these articles will stir up so much trouble that they will cost producers more in the end than the present competition for talent.

Another mass meeting, to be held at the El Capitan Sunday night, has been agreed upon between joint emergency committees of the Actors' and Writers' Guilds. Non-members will be admitted and an effort will be

(Continued on page 6)

Says 466 Get 51% Of Coast Payroll

WASHINGTON, Oct. 12.—In Hollywood 466 individuals got 51 per cent of millions expended in studio payrolls, Deputy NRA Administrator Sol A. Rosenblatt stated today. This came to light in response to pressing questions from daily and press association reporters who regarded the White House statement of Wednesday on salaries as something entirely new, when as a matter of fact MOTION PICTURE DAILY published it exclusively on Sept. 21.

Queries influenced Rosenblatt to remark: "A large portion of the problem with respect to salaries is raised

(Continued on page 6)

Mystery Solved

Washington, Oct. 12. — The great Rosenblatt-Cowan mystery was lifted this afternoon when the deputy administrator acknowledged receipt of the Academy letter requesting a Hollywood hearing on the former Article 10. Rosenblatt characterized the report as "ridiculous" and then added: "All of these points were covered at the public hearings here."

IATSE Seeks Definitions On Contracts

WASHINGTON, Oct. 12.—I.A.T.S.E. men are demanding a clear-cut decision on how thousands of existing contracts with exhibitors stand, and today began to swing theirs and A. F. of L. influence to bear on high Administration officials in an effort to find out.

While the inference is that the code will not be retroactive by the simple expedient of making no mention that it will, or that it will not, labor officials are insisting that this is not sufficient definition. While the

(Continued on page 4)

Capital Gets Detroit Jam On Bookings

WASHINGTON, Oct. 12. — Several moves are under way here today to obtain protection for Leon Kirm and A. Ruttenberg, Detroit exhibitors and Allied members, who claim they are being throttled and their theatres facing extinction because Mid-States Theatres has bottled up most of the backbone product for members of its booking combine, in which H. M. Richey and J. C. Ritter, both Allied members, are officers.

One effort is being made by Ed Kuykendall, M.P.T.O.A. head, while

(Continued on page 4)

MPTOA Men Confer With Hays Lawyers

WASHINGTON, Oct. 12.—M.P.T.O.A. representatives at a late hour tonight were discussing changes in the NRA code with Hays lawyers. Included was the clause covering 10 per cent cancellations which, they declare, requires further clarification, not as to intent, but as to language. Whatever

(Continued on page 4)

It Means Johnson

Washington, Oct. 12. — Exactly to whom reference is made throughout the code when the word administrator is mentioned was cleared up today when Deputy NRA Administrator Sol A. Rosenblatt made it clear that the term meant the administrator of the NRA. In other words, General Johnson.

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O'Brien Supporters Organize Committee

Supporters of Mayor O'Brien in film and theatrical circles are organizing a committee of 100 to make a campaign drive in the Times Square belt. Senator Abraham Kaplan has named Joseph Gransky as chairman and Arnold Van Lear as vice-chairman. The new group will be called the Democratic Theatrical League.

Gransky was assistant secretary to former President Taft both while he was in the White House and while he was governor general of the Philippines. Van Lear is a well-known exploitation man. Headquarters will be maintained at 1619 Broadway.

Lesser Sails Next Week

Sol Lesser has changed his plans and now is set to sail for London on the *Paris* a week from today. He will meet Jack Barnstyn, foreign representative for Principal Distributing Corp., in London to complete foreign distribution of "Tarzan the Fearless." The picture is set with United British Theatre Corp. for the United Kingdom. Barnstyn is closing the Berlin office of British & Continental Trading Co. and opening branches in Copenhagen and Vienna. He is now in Paris.

"Tarzan" will be released as a 10-reel feature in Europe.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX *Directed by* RALPH STAUB
Direction: LEO MORRISON

Looking 'Em Over

"Ever in My Heart"

(Warners)

This is a sentimental and emotion-stirring story made genuine and believable by acting and direction that is noteworthy. In selling it, a special effort should be made to attract women's patronage. It is greatly to what they have demonstrated is their liking. Barbara Stanwyck, in a new and different role, admirably supported by the comparatively recent stage recruit, Otto Kruger, delivers a performance that will cause her old admirers to enthuse and should win her many new ones.

The story is that of racial hatreds during the World War. Married to Kruger, a naturalized American of German descent, Miss Stanwyck remains loyal and devoted to him as, after America's entrance into the war, friends desert them and adversity after adversity overtakes them. Both to spare his wife new hurts and in rebellion against the animosity shown him because of his race, Kruger eventually leaves her and goes into the service of his fatherland, later being assigned to espionage duty. They meet again in an army base in France where Miss Stanwyck, now a canteen worker, saves him from a spy's death by hiding him in her billet for a night. In the morning, rather than aid him to deliver the information she knows him to possess to the German command, and unable to give him up because of the love between them, she administers a poison in a drink and Kruger dies in her arms.

The acting throughout is admirable, and Archie Mayo's direction is flawless, making a picture strong, forceful and effective in drama. Also in the commendable supporting roles are Ralph Bellamy, Laura Hope Crews, Ruth Donnelly, Frank Albertson, Wallis Clark and Nella Walker.

SHORTS

"Black Dawn"

(Cameron Macpherson)

Here is a fine featurette. Simply, directly, without concession to the accepted tenets of Hollywood, it tells the tale of a farm girl, love-starved by a tyrant father. When into her life walks a youth seeking work, she senses for the first time a promise of happiness and a means of escaping the monotony of her existence. The insanely jealous father dies of a stroke when he surprises the two in each other's arms. She asks her lover to go and reconciles herself to her fate.

Josef Berne has done a fine job of directing. Cameron Macpherson, the producer, was fortunate in having Paul Ivano as cameraman. The photography is impressive. The players, Julie Hayden, Ole M. Ness and Frank Eklof are real and sincere, if a little amateurish at times.

For audiences that demand quality, "Black Dawn" is the thing. Running time, 35 mins.

"Elephant Trails"

(Fox Magic Carpet)

An interesting subject which shows pachyderms at work in Asia. Their labor consists mostly of loading, carting and unloading enormous teak trees which have to be killed three years before cutting. The wind-up shows the elephants on a stampede which smacks of authenticity. A novel subject. Running time, 10 mins.

"The Kick-Off"

(Principal)

The thrill and drama of the gridiron are packed into three reels of tense footage with Howard Jones introducing numerous prominent football coaches from colleges and universities throughout the country and explaining details of the various plays. This subject shows every possible angle of the game, starting with a coaching lesson, then shifting into a practice session and finally for a bang-up finish the tilt between Notre Dame and the University of Southern California, when the former won by a score of 16 to 14. Released at the start of the pigskin season, this number rates swell tie-ups and will get the fans. There's not a dull moment in it. Running time, 30 mins.

"The Midnight Patrol"

(Roach-M-G-M)

A swell Laurel & Hardy short with the first gag the best of the lot. The comics are on night patrol in a radio car and the picture opens with a call coming through for them, advising that someone is stealing the tires from their car. The next sequence has them helping a burglar looting a jeweler's safe. The number winds up with them assigned to bring in a man breaking into a house. They almost wreck the house getting their man, who turns out to be captain of the force. Running time, 20 mins.

Bernays Discusses Tie-Ups

Edward L. Bernays, public relations executive for a number of big commercial companies, yesterday gave A.M.P.A. members details on how "overt acts" and "group" tie-ups can effectively aid the industry in selling pictures to the public.

All Markets Closed

Yesterday being Columbus Day, a legal holiday, all financial markets were closed. Operations will he resumed today.

O'Brien's Father Dead

HOLLYWOOD, Oct. 12.—Dan O'Brien, father of George, died in San Francisco early this morning of a heart attack. He was 58 and retired from the 'Frisco police force after 27 years of service.

"Parade" Sets Record

"Footlight Parade," in its first week at the Strand, cracked the house record with a gross of $65,724, Warners report.

Purely Personal

EMANUEL COHEN, DAVE and ARTHUR LOEW, EUGENE PICKER and a number of other film executives yesterday attended Yishkor services held at the 47th St. Temple. This is the prayer for the dead.

WALLACE BEERY, who returned from abroad yesterday with MRS. BEERY, will leave the Hotel Warwick today to resume picture work on the coast. He will fly to Chicago first.

PATRICIA BOWMAN, formerly prima ballerina at the RKO Music Hall, started rehearsals yesterday for the "Ziegfeld Follies."

JEAN CONNORS, who won the RKO beauty contest, leaves for Hollywood next week to appear in "Blonde Poison" for Radio.

SIDNEY SKOLSKY left for the coast yesterday to become Hollywood correspondent and columnist for the *Daily News*.

JULIETTE COMPTON, British film player, will arrive Saturday on the *Statendaam*. She is on her way to the coast.

EDWARD FONTAINE, mid-west district manager for Paramount, is in town for conferences with NEIL AGNEW.

GEORGE ARLISS will stay in town a few days before leaving for the coast to begin work for 20th Century.

MAJOR ERNST UDET, aviator featured in "S.O.S. Iceberg," sailed on the *Europa* last night.

AL JOLSON will leave Saturday for the coast to start work in "Wonder Bar" for Warners.

AL WILKIE arrives on the coast tomorrow. He's on the same boat with BILL PINE.

M. H. AYLESWORTH returned from Washington yesterday.

MIKE MARCO leaves for the coast tomorrow.

MILT KUSELL was ailing yesterday.

Goebel Drops Appeal

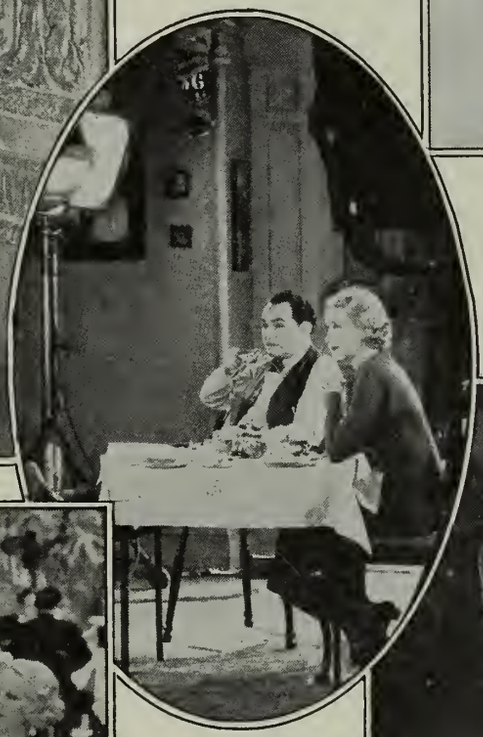
Appeals from their conviction in the National Diversified Corp. mail fraud cases have been withdrawn by Otto E. Goebel and his sisters-in-law, Irene and Elizabeth Plaut. They were accused of fraud in the sale of $3,000,000 worth of securities to promote clean films. They notified Assistant Federal Attorney Rosenblum they could not afford to have the record of the case printed.

U.A. Adds Exploiteers

Monroe Greenthal, head of the United Artists exploitation department, has added 20 men to handle "The Bowery," "The Life of King Henry VIII," "Broadway Thru a Keyhole" and other new product. About 40 men will comprise the staff when it is in full swing.

NEWS OF WEEK IN PHOTO-REVIEW

"FOOTLIGHT PARADE" TOPS "GOLD DIGGERS" by 27 per cent in first week at N.Y. Strand as nation-wide parade of bigger-than-Gold-Diggers records starts today in Pittsburg, New Haven, other key spots. Here's detail of Strand front that's helping drag 'em in.*



NEW YORK HAILS NEW STANWYCK at Hollywood Theatre opening of her greatest love story, "Ever in My Heart."*

WARNER TRADE ADS on "Footlight Parade" and "Gold Diggers" inspired studio celebs to stage this photo-forecast of box-office reception of "The World Changes," with Mervyn Le Roy and Robert Lord impersonating eager American public.°

"FROM BELOW THE STERNUM" is where *Variety Daily* locates countless laughs in "Havana Widows," with 6-comedian cast, first of month's triple-comedy output from Warners.°

REST FOR ROBINSON, Genevieve Tobin, as last camera turn sends "Dark Hazard" on way to screen at height of nation-wide publicity on this famous Book of the Month.°

"WILL TAKE ITS TOLL at the turnstile" predicts coast preview of "From Headquarters," Warners' mystery-packed revelation of cops' scientific "clue machines."*

* Warner Bros. Picture
* First National Picture
Vitagraph, Inc., Distributors

Salary Control Worrying Majors

Split in Hays Ranks Averted On 3 Problems

(Continued from page 1)

Nathan Burkan, Edward Raftery, the latter two acting as attorneys for United Artists; Joseph M. Schenck, Samuel Goldwyn, Mary Pickford, Douglas Fairbanks and Charles Chaplin. Universal and Columbia made it clear at the public hearings they opposed any restrictions on duals, whereas other majors are generally understood to have frowned on them. Cochrane also opposed tying in shorts with feature sales. These two companies and interests identified with United Artists also consistently opposed any plan designed to regulate maximum salaries.

Feared Loss of Players

The chief argument was that such limitations would invoke hardships, perhaps leading to their destruction, on the theory that a given player would prefer to cash his lot with producers fortified with a large number of theatres, thereby assuring for himself top circulation with the public, if not top salaries.

There was another extremely vital angle brought out, and this was it: Considered a danger which had been overlooked until brought to light, was the possibility that salary-fixing might lead to price-fixing of rentals. It was stressed that any regulation via government approbation designed to direct salaries downward might boomerang in a direction not counted upon, in that exhibitors might insist the principle apply to prices they pay for pictures as well.

This was seen by those who advanced the argument as a potential danger hitting at income of the national distributors with possible serious consequences to the financial status of several of them. Major producers had no idea any steps might be taken on salary control when they came to Washington for the first time. The first inkling came as a complete surprise and almost as a shock. It was passed on from the White House through Deputy NRA Administrator Sol A. Rosenblatt. This and other Administration thoughts on the manner in which the industry should rearrange itself under the aegis of the NRA virtually floored major executives when they were informed about them, and were the direct reason for the first recess on Sept. 16, when they informed Rosenblatt they required time to refashion their plans in view of the word he brought.

Sought Salary Formula

During succeeding days they sought to evolve a formula on salaries, but this brought about stern resistance on the part of Columbia, Universal and United Artists, and earlier this week resulted in plans to drop it when it became apparent legal precedent for its establishment and legal machinery to make it enforceable did not exist.

The Motion Picture Daily has substantial reason for the statement that major producers neither sought nor asked for salary-fixing. One reason for this is the realization that talent earning capacity might not easily be regulated without similar procedure being applied to executive salaries as well. While at the moment, and despite differences of opinion which still exist, the Hays group continues to be one, there remains at least one issue which will have to be threshed out. This is the headache formerly known as Article 10.

Columbia and United Artists are not in favor of it as it now appears in the code, and Universal is reported to regard it in like manner. The article is slated to undergo revision if these companies win their point. Efforts will be made to re-draft it in order to include their views, which, in the main, rest on the general theory that the proposals will add to production problems and overhead by making it more difficult to hire talent.

Steffes Explains

Washington, Oct. 12.—Replying to Rosenblatt on how wired protests from scattered northwest exhibitors happened to be dated in Minneapolis, Al Steffes today said about 30 members held a meeting in Minneapolis Sunday and shot through telegrams at the same time.

MPTOA Men Confer With Hays Lawyers

(Continued from page 1)

agreement in altered phrases in that provision and in others is reached will be presented to the deputy administrator at his meeting with exhibitors at 10:30 Friday morning.

In a statement issued tonight Ed Kuykendall reported progress in his group's analysis of the code. It is understood much of the strained relations developed on Wednesday were cleared away today, although all is not harmonious on the M.P.T.O.A. front. Kuykendall said: "We have cleared up several clauses controversial and objectionable in point of language and have made some progress on labor. By Friday we believe we will have made enough progress to present all of our recommendations to Mr. Rosenblatt."

Aug. 23 Date on Pay Blow for Cleveland

Washington, Oct. 12. — Establishment of Aug. 23 as the prevailing date for the operator scale will cost Cleveland exhibitors $150,000 a year, according to M. B. Horwitz, Cleveland independent exhibitor, who arrived here to-day. He said Cleveland theatre men on Sept. 1 signed a new deal at a 10 per cent slash.

IATSE Seeks Definitions On Contracts

(Continued from page 1)

code specifies Aug. 23 as the date on which scales are to prevail, there are understood to be hundreds of contracts which pre-date this starting point.

It is understood that the I.A.T.S.E. is very much excited over this situation. Rosenblatt got a number of calls from high sources today asking for further clarification on this new phase in code deliberations and was unable to answer them. This is what labor maintains, but since Rosenblatt is adhering strictly to his decision not to answer questions outside of agreed-upon press interviews, no effort was made tonight to check this with him.

Two Clauses Not Clear

The M.P.T.O.A. group today continued to experience difficulty in reaching internal accord among its own members on the labor provisions. Confusing to some of them are two contradictory clauses in the code as it now stands. One is this:

"In order to effectuate the foregoing provisions of Section 6 hereof and pending the determination of any disputes as above specified, the employes herein embraced and provided for shall not strike and the exhibitors shall not lock out such employes."

The other is Section 10 under labor which reads:

"With respect to disputes arising between employes and employers in the exhibition branch of the motion picture industry the parties pledge themselves to attempt to mediate all such disputes."

Clearer language is necessary, exhibitors maintain, and at a meeting with Rosenblatt at 10:30 Friday morning this will be one of the points raised.

Rosenblatt today announced one change in regard to labor. This concerns cities or towns where there are no operator unions, or unions affiliated with the I. A. T. S. E. In those instances the minimum per hour scale is to be 40 cents, which is the President's minimum for mechanical workers. In the code, as now constituted, disputes in this division are to be determined by conferences between a representative of the operator group and a representative appointed by the exhibitor, basing their conclusions on existing minimum wages and maximum hours for the class of theatres so involved. It does not necessarily follow that the scale in such situations cannot rise above 40 cents per hour, but Rosenblatt at least guarantees operators, not organized, that wage minimum.

Miss Dee to Wed McCrea

Los Angeles, Oct. 12. — Frances Dee and Joel McCrea are engaged to marry. The date of the wedding has not been given out.

Capital Gets Detroit Jam On Bookings

(Continued from page 1)

Deputy NRA Administrator Sol A. Rosenblatt is reported to have privately interceded with at least one company president here in behalf of Kirm and Ruttenberg.

Kirm operates the Kramer, 2,000-seat house. His opposition is the Senate, operated by Ben Cohen and seating only 1,000. Despite this, Cohen will have available Paramount, Fox, Warners, U. A. and Universal product, because the pictures have been sold to Mid-States, of which Cohen is a member.

An action has been brought against Mid-States by Ruttenberg, in which M-G-M has joined, with the filing of a cross bill which temporarily delays approval of these contracts by distributors.

Kirm was a member of Mid-States under its former name of Cooperative two years ago when the booking combine was in a hot scrap with M-G-M and refused to buy its product. Kirm says he bought M-G-M on his own, thus precipitating a break with Mid-States, and consequently he has been outside ever since.

Needs 260 Features

Today he has M-G-M and may get Columbia and Radio, but he says his house needs 260 features yearly, because of duals. He asserts he doesn't know where to turn. His four other houses in sections where Mid-States has no members are getting all the product they need, he admits.

Ruttenberg operates the Iris and is suing Mid-States, along with Lew Kane, operator of the Mayfair. Likewise a member of Mid-States, under its old name, his break also came when he purchased M-G-M product two years ago.

"I have been crucified ever since," he says. "I don't even know what picture I'm going to play a week from Sunday. I had Warner - First National for 14 years. Now I can't get it because the product has been pledged Mid-States."

The Iris seats 900 and changes thrice weekly, also using doubles, making the total picture requirements 260 yearly. Like Kirm, Ruttenberg has M-G-M, but also Radio. He maintains he can't get by on these two alone. He also says he had to close the house this past summer because his film was closed out.

Both Kirm and Ruttenberg, who are here with Sol Marks and Adrian Rosen, their attorneys, declare all they want is a fair product split to permit them to stay in business. The situation is extremely interesting, because it indicates that while the majors refuse to sell the Chicago buying combines, as alleged several times by Aaron Saperstein, they are doing that very thing in another key city less than 300 miles away.

HOT FROM HOLLYWOOD!

Two New Season M-G-M Pictures **PREVIEWED TO TERRIFIC ACCLAIM!**

JEAN HARLOW
in a role they'll cheer, with
LEE TRACY
("It's a Wow!" says Hollywood Reporter)

"BOMBSHELL"

with FRANK MORGAN
FRANCHOT TONE—PAT O'BRIEN
UNA MERKEL—TED HEALY

Directed by
VICTOR FLEMING

JACK PEARL
JIMMY DURANTE

"MEET THE BARON"

with ZASU PITTS
TED HEALY and his Stooges
EDNA MAY OLIVER
and The
Metro-Goldwyn-Mayer Girls

Directed by
WALTER LANG

"Will give good account of itself in all spots," says Coast Daily Variety

"AT YOUR SERVICE! FREE!"

At your M-G-M exchange! Eight-page press book with press stories, exploitation tie-ups and ads, 6 col., 4 col., 3 col., 2 col. and 1 col. Showing how to tell the public that your theatre is the leading show shop in your town. The Major theatre is the one using the Major product. Tell the folks! Mats are at your branch! Get some today, FREE!

Hollywood, Bitter, Plans Meeting

Coast Talent Bitter Over Clauses 9, 10

(*Continued from page 1*)

made to frame a protest to be sent to President Roosevelt and Deputy NRA Administrator Sol A. Rosenblatt.

The Academy protest has already been sent. It was framed at a meeting attended by President J. T. Reed and the executive committees of all branches. In this protest it was asserted that the two controversial articles might in the end result in costly strikes and lower the quality of pictures.

Eddie Cantor to Go on Air Over Salary Cuts

HOLLYWOOD, Oct. 12.—With writers and actors incensed over the revised Article 10, now 5 in the code, dealing with blacklisting and anti-raiding, Eddie Cantor, president of the Actors' Guild, goes on the air Saturday night to urge all interested creative branches of the industry to attend what is expected to be the largest mass meeting in the history of Hollywood at the El Capitan Sunday night. Principal speakers at the session will include Cantor, Lucille Gleason, Fredric March, John Howard Lawson, Ralph Block and Oliver H. P. Garrett.

Says 466 Get 51% Of Coast Payroll

(*Continued from page 1*)

by reason of the fact statistics show that of the total cost of salary and labor expense in producing pictures an average of 466 persons received 51 per cent of the total salary and labor payrolls, although more than 12,000 are salary and general labor employes."

Asked if code authority prerogatives could be construed as controlling salaries, Rosenblatt was noncommital.

Chicago Combine to Stay—Saperstein

CHICAGO, Oct. 12. — Denying reports from Washington that he intended disbanding his cooperative buying organization because distributors refuse to sell him pictures, Aaron Saperstein declared this afternoon that the Northwestern Theatre Corp. will book for its 45 members if it cannot buy for them.

"We have not given up," he said. "The code ducked this and eight other leading points. That is why we walked out. However, Allied has renewed its efforts to get a definite ruling and in the meantime we are marking time. Theatres in need of pictures are being given permission to buy direct."

Code Remains About Same; Major Executives Depart

(*Continued from page 1*)

Cochrane, Harry and Jack Cohn and Nathan Burkan. Behind them were left their attorneys, including Edward Raferty, Louis Nizer, Joseph Hazen, Harold Bareford, Edwin J. Loeb, and William Jaffe, who has been confined to his quarters for almost a week with a heavy cold, which for a time threatened to become more serious.

While the majors are in agreement on practically all clauses there remains a real sized job of re-phrasing provisions over which there is no complete agreement. Chief among these is former Article 10, which would bar secret negotiations among producers for talent and throw negotiations on new contracts into the open under a system already detailed in MOTION PICTURE DAILY.

The Academy continued to move for the elimination of Article 10 in toto. Several Hays member companies, including Columbia, Universal and United Artists, are anything but hot for it in its present form and propose continuing their stand that its scope is to be made less comprehensive.

The insurgent group of independent producers, distributors and exhibitors is back in Washington in almost as heavy an aggregation as was on hand last week. This group held a meeting tonight to discuss point by point its analysis of the NRA code. This analysis, prepared by Abram F. Myers for Allied, Jacob Schechter for the Federation of the M. P. Industry, Mitchell Klupt for the Independent M. P. Exhibitors' Protective Code Committee and Milton C. Weisman for the I. T. O. A. of New York, is scheduled to be submitted to Rosenblatt on Friday morning.

M.P.T.O.A. Completes Analysis

The M.P.T.O.A., after almost two days of solid and intensive effort, completed its own analysis tonight and was angling for changes with Hays lawyers. This aggregation meets with Rosenblatt Friday morning in what it is hoped will be a final session. Labor provisions are a source of concern to certain delegates in M.P.T.O.A. ranks.

The I.A.T.S.E., it developed today, is far from cheerful over the code. Its member unions have thousands of contracts, I.A.T.S.E. men declare. Many of them antedate the Aug. 23 date which the code decrees is the starting point for prevailing operator wages. The union contingent wants to know where it gets off on that score. Conferences between Rosenblatt and Ralph Blum, acting for coast agents, are reported to be behind the statement made by the deputy today in which he softened the intent of former Article 9, which would place almost unlimited restrictions on agents and would set up severe penalties if infractions of the clauses are made. The Screen Writers' Guild, which is affiliated with the Authors' League, is beefing about what was once known as Article 10 and claims it to be irksome to its members.

A hitherto unexpected hitch in the studio labor provisions which earlier in the week appeared to be entirely set added to the complexities of the situation today. The difficulty is understood to bear on alleged ambiguities of the language in which these portions of the code are couched, and as is the case in many provisions of the NRA draft, call for clarification. Therefore, Pat Casey, producers' labor contact, is back in Washington, and late this afternoon with major company lawyers, plus Abner Rubien, attorney for the I.A.T.S.E., met to discuss the situation in Rosenblatt's office.

Authors, Writers Attack "Blacklist"

WASHINGTON, Oct. 12.—Attacking former Article 10 and that section of it which would prohibit negotiations for new talent until 30 days before expiring contracts terminate, the Authors' League and the Screen Writers' Guild tonight issued a joint statement charging that the proposed clause "legalizes blacklisting and victimizes the entire profession in order to protect producers against their own mistakes."

The statement, at another point, said, "If writers are to be blamed for the high cost of pictures, we demand these charges be proven in a public hearing or elsewhere."

Louise Sillcox and William Hamilton Osborne signed the statement for the Authors' League and Sidney Howard and James Ashmore Creelman for the Screen Writers' Guild.

Licenses for Agents May Not Be Invoked

WASHINGTON, Oct. 12.—There is no present intention of licensing agents as is currently provided for in the NRA code, according to Deputy NRA Administrator Sol A. Rosenblatt. Today he explained that provisions permitting such licensing had been included in the code but would be invoked only if it becomes expedient to do so.

Rathner in Eastern Post for Principal

Harry Rathner has been appointed eastern sales manager of Principal Distributing Corp. Louis Hyman continues as western sales manager with headquarters in New York. The company plans to roadshow "Thunder Over Mexico" in 10 cities.

Stewart in New "U" Post

KANSAS CITY, Oct. 12.—Jack Stewart is the new Universal salesman in northern Kansas, succeeding Dan Myers, resigned.

No Successor For Franklin Named As Yet

No successor to Harold B. Franklin, who resigned as head of RKO theatres on Wednesday, was named by M. H. Aylesworth, RKO president, on his return from Washington code conferences yesterday.

Broadway rumors, however, continued to make nominations to fill the vacancy, with virtually everyone who had ever managed a theatre, and a few who had not, being named as likely successors to Franklin. Foremost among yesterday's nominees in point of frequency of repetition was Major L. E. Thompson, operating head of Trans Lux theatres. Mentioned earlier were Nate Blumberg, Orpheum Circuit executive; Charles D. Koerner, RKO district manager; Phil Reisman, Franklin's assistant; Herschel Stuart, former assistant to Franklin, and a number of others, who, according to some RKO executives, were "disqualified for reasons more or less obvious."

Efforts to reach Aylesworth yesterday for comment on the various rumors were unsuccessful.

Returns on Monday

Meanwhile, Franklin, whose resignation is effective Sunday, left for a week-end vacation at a nearby resort. He plans to return to New York Monday and will leave for the west coast shortly thereafter to make plans for his announced independent production activities, returning here, according to present plans, in about three weeks to establish eastern headquarters in Radio City. Prior to his departure, Franklin declined to reveal who his proposed production associates would be. If the production venture materializes, it is stated he may release through RKO Radio.

Mountan Announces Lineup for 1933-34

D. J. Mountan, president of Showmen's Pictures, Inc., has just sent out his 1933-34 product announcement, a 16-page book in black and white. In a foreword he says several of the company's proposed 15 features have been completed. It is also stated that the company has acquired the Alexander Bros. Studio in Hollywood. Al Alt is vice-president in charge of production, with Sam Katzman as production manager.

The titles listed are: "His Private Secretary," "Police Call," "Public Stenographer," "Ship of Wanted Men," "Golden Head," "St. Louis Woman," "The Big Race," "The Moth," "Within the Rock," "Unlimited," "Souls in Pawn" and "Special Duty."

"Angel" Set for 2 Weeks

"I'm No Angel" opening day and date at the New York and Brooklyn Paramounts today is set for a two weeks' run in both houses.

"A WOMAN'S PICTURE, AND A HELUVA GOOD ONE"

IRENE DUNNE
WALTER HUSTON
in
SINCLAIR LEWIS'
GREATEST NOVEL

Ann Vickers

with
CONRAD NAGEL BRUCE CABOT
EDNA MAY OLIVER

Directed by John Cromwell
A Pandro S. Berman Production
MERIAN C. COOPER
EXECUTIVE PRODUCER

IRENE DUNNE shines as Lewis' heroine . . . her interpretation of Ann is a beautiful performance . . . she makes the positive honesty and capability of Ann shine through her every action and word.
N. Y. Daily News

★

Ann Vickers seen with Irene Dunne in fine portrayal . . . Miss Dunne is superb.
N. Y. American

★

Ann Vickers Stunning Picture . . . Irene Dunne achieves distinction in role of Lewis' heroine . . . women particularly will relish Ann Vickers . . . it is a fine story . . . brilliantly impersonated.
N. Y. Daily Mirror

★

Ann Vickers is a woman's picture and a heluva good one . . . chalk up a winning performance for Irene Dunne in the title role.
Motion Picture Daily

★

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

SKIP IT! Groucho Marx, as Rufus T. Firefly, Dictator of Fredonia, takes a few steps in the right direction in PARAMOUNT'S "DUCK SOUP"

The
FOUR MARX BROTHERS
in Paramount's
"DUCK SOUP"
Directed by
LEO McCAREY

Paramount Pictures

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 89 NEW YORK, SATURDAY, OCTOBER 14, 1933 TEN CENTS

Propose Penalties As Way to Check Salaries

Publix Houses Go to Trendle As a Manager

Detroit Deal Is for 10 Months; Ends Row

Settlement of the rivalry between John Balaban of Chicago and George W. Trendle of Detroit over the acquisition of the Publix Detroit theatres which has been waged since early last summer and at one time threatened to align an imposing group of Publix operating partners against S. A. Lynch, theatre reorganization head for Paramount, was virtually realized yesterday when Paramount withdrew the Detroit properties from the market and placed Trendle in charge of them in a management capacity.

Trendle will operate the theatres on a salary basis and will also share in a percentage of profits, if any. Details of the salary and percentage arrangement, which were approved yesterday by Henry K. Davis, referee in

(*Continued on page 2*)

Appeal Is Allowed On Para. Trustees

Samuel Zirn, attorney for a Paramount Publix bondholders' committee, was granted leave by the U. S. Circuit Court of Appeals yesterday to appeal a motion to remove Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the Paramount trustees in bankruptcy.

Zirn's petition for leave to appeal a motion for the removal of Henry K. Davis as referee in bankruptcy for Paramount on the grounds of bias was denied by the appeals court. Zirn was given until Nov. 6 to have the records of the case printed, on which date the

(*Continued on page 2*)

Board May Take On Franklin's Duties

With Harold B. Franklin's resignation as head of RKO theatres becoming effective tomorrow and the post still unfilled by M. H. Aylesworth, RKO president, up to a late hour last night, the Broadway impression grew that Nate Blumberg, Orpheum executive, or Charles D. Koerner, RKO district manager, might be moved up with others to form a theatre operating board supervised by J. R. McDonough, Aylesworth's assistant.

Academy Hits Strike Talk As "Extreme"

HOLLYWOOD, Oct. 13.—Strike talk by extremists will do "immeasurable" harm to talent as a result of government disapproval and adverse publicity, states the Academy of M. P. Arts and Sciences.

The statement deplores the tendency of individual branches "to break up into small groups and attempt to gain our ends by strikes and similar tactics."

"These are extreme measures," the Academy statement continues, "which must face governmental disapproval and extremely adverse publicity. If such strikes should be lost, the setback to creative artists will be immeasurable.

"The Academy believes moral force is the only force which can be used effectively in an industry composed of artists and intense individualists. The strength of any actors' strike

(*Continued on page 4*)

Academy Will Push Battle on Article 10

WASHINGTON, Oct. 13.—The Academy of M. P. Arts and Sciences has no intention of letting up on its fight on former Article 10. Lester Cowan proposes leaving for the coast Saturday, but before pulling up Washington stakes says he will file a brief of protest with Deputy NRA Administrator Sol A. Rosenblatt. He reiterated tonight that the only fair way in which

(*Continued on page 4*)

Allied Move Flop

Washington, Oct. 13.—On the basis of an early analysis of wires urged by Allied on its members in protest against the NRA code, the campaign is a complete failure. Thursday's telegrams totaled 423, and Friday's 465, as against 100,000 cited by Sidney Samuelson of New Jersey Allied as necessary to have in the White House by Wednesday of this week.

Labor Victor, Aug. 23 Stays As Wage Date

WASHINGTON, Oct. 13.—A complete victory for operators developed today when Deputy NRA Administrator Sol A. Rosenblatt informed M.P.T.O.A. delegates that the Aug. 23 date which sets the prevailing wage scale, is final.

Exhibitors, whether affiliated or independent, had fought for July 1, when the summer cuts went into effect in many situations throughout the land. The M.P.T.O.A., therefore, today said it found itself confronted with one of two alternatives, either to go back and reopen all labor negotiations or to accede. Acting as spokesman for this group, Fred Meyer of Milwaukee declared the latter course appeared wiser and gave three reasons.

"First, the I.A.T.S.E. had withdrawn its demands for one man for

(*Continued on page 4*)

Johnson Declares Many Salaries Are "Grotesque"

WASHINGTON, Oct. 13.—Declaring many salaries in the industry are "grotesque" and tipped to figures where stockholders and the public which buys tickets at the box office are not considered, Administrator Hugh S. Johnson today declared it was his opinion that such salaries are "an abuse in the industry that should be considered in the code," although he admitted he doesn't know what to do about them.

Whether his inability to find a method is something he has been unable to work out to date, or whether the text of the National Industry Recovery Act calls a halt on such an idea, he did not say, except that in

(*Continued on page 4*)

Capital's Attitude May Be Responsible—Code Moving Along

By RED KANN

WASHINGTON, Oct. 13.—Cash penalties up to $10,000 for those found guilty of encouraging excessive salaries constitute today's major development in code formulation on the much-scarred Washington battlefront.

Its text made public, accompanied by complete silence, except the one supplementary remark that anything included in what was once Article 10 would apply to executives as well as talent, Deputy NRA Administrator Sol A. Rosenblatt preferred to have the addition to that article speak for itself.

Here is the text:

"To avoid payment of sums unreasonably in excess of the fair value of personal services which results in unfair and destructive competition, the code authority shall have the power, with the approval of the Administrator, to investigate in any case whether any employer in the motion picture industry has agreed to pay an unreasonably excessive inducement to any

(*Continued on page 3*)

Cleveland Pact to Stand—Rosenblatt

WASHINGTON, Oct. 13.—M. B. Horwitz, Cleveland exhibitor, declares he was informed today by Deputy NRA Administrator Sol A. Rosenblatt that the contract with operators signed by independent Cleveland exhibitors and effective as of Sept. 1 would stand, and that the Aug. 23 prevailing date for operators' wage scales, as provided in the code, would have no effect on the compact signed by the Cleveland exhibitors.

No Further Salary Talk by Executive

WASHINGTON, Oct. 13.—The White House statement on the proposed investigation of industry salaries will not be amplified beyond what has already been said, it became clear today

(*Continued on page 3*)

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Publix Houses Go to Trendle As a Manager

(*Continued from page 1*)

bankruptcy for Paramount Publix, were not made known. The deal is effective for 10 months only, at the end of which time the Paramount trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, may either enter into a new management deal or again obtain the court's permission to dispose of the theatres outright.

Balaban, early last summer, made an offer for the Detroit houses which involved his advancing $200,000 against operating expenses. This was later changed to provide for an issue of $1,500,000 income bonds, which was matched by Trendle. Balaban contended that he had been given reason to believe his offer would be accepted prior to Lynch's entrance into the company and such Publix partners as E. V. Richards of Saenger Theatres, Robert Wilby, H. F. Kincey, R. J. O'Donnell, Karl Hoblitzelle and the late Eugene W. Paschall congregated in New York and extended influence in Balaban's behalf. They felt, it was said, that Balaban deserved a chance at the theatres because of his record as head of Publix-B. & K., Publix Michigan, and in the home office.

Lynch Blocked Deal

Lynch, however, maintained that he would make only what he considered to be the best deal for Paramount. Both offers stood and the matter dragged out until yesterday, when the Paramount trustees were authorized to withdraw their petition for permission to dispose of the houses on the recommendation that "no sale would be advisable at this time," in lieu of which the trustees sought and were authorized to retain Trendle in a management capacity.

Neither Trendle nor Balaban appeared at yesterday's hearing before Referee Davis, but attorneys for both were present and stated that the offers for outright purchase of the houses would be permitted to stand for another six months, in the event the Paramount trustees again decide to dispose of the houses.

The Detroit theatres involved in the deal include the Michigan, Birmingham, United Artists, Riviera, Annex, Ramona, State and Fisher. They were originally acquired by Paramount from Trendle and John Kunsky in 1929 for 65,000 shares of Paramount stock at a guaranteed repurchase price of $75 per share. In accordance with this guarantee, Paramount bought up the stock in September, 1931, for $4,875,000, when the stock was selling for $21 per share. Attorneys for the Paramount trustees revealed this week that they were investigating all such stock repurchase deals with a view to attacking their validity. The deal also prohibited either Trendle or Kunsky from re-engaging in theatre business in the Detroit area for 50 years, except with Paramount's approval.

Referee Davis also authorized the Paramount trustees yesterday to pay taxes and interest due on the Long Island studio properties, amounting to $62,000, which have been in default since Feb. 1 last, on condition that an agreement under which foreclosure proceedings will be withdrawn can be arranged.

There is an unpaid mortgage of $923,000 against the properties, of which installments of $60,000 are due and unpaid. Carrying charges of the properties, it was said, approximate $93,000 annually. The compromise settlement is to be arranged in the near future between the Paramount trustees and the mortgagee.

Appeal Is Allowed On Para. Trustees

(*Continued from page 1*)

appeals court will hear and review his arguments for the removal of the trustees.

The bondholders' attorney is appealing from a ruling of Federal Judge Francis G. Coleman handed down in U. S. District Court here on June 14 denying his motion for the removal of the trustees. At that time Zirn charged that Hilles and Leake were disqualified for the trustees' posts because of former affiliations with what Zirn charges are creditor banks of Paramount's. Richardson, Zirn charged, was disqualified because of his former association with Fox.

Report Shows Para. Claims $246,000,000

Total claims filed against Paramount Publix by creditors aggregate approximately $246,000,000, of which about $178,000,000 is said to be in "discredited future rent claims," and many additional millions represent claims which were filed in duplicate, according to H. J. Friendly, of counsel for the Paramount trustees.

The period for filing of creditors' claims expired Sept. 14 and the tabulation of all claims legally entered during the six months' period ending on that date was completed yesterday. The claims office maintained by Paramount at 140 Nassau St. was closed.

The Paramount trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, will contest all but about $30,000,000 of the creditors' claims filed, it was said. In the uncontested group will be the various bond issues and the approved claims of general creditors for merchandise, services and the like.

It was stated that of the $246,000,000 claim total, approximately $71,000,000 represents claims which were filed in duplicate. Among these, it is said, are large portions of the various Paramount Broadway bond issues which were filed both by individual bondholders and by the various bondholders' protective committees with which the bonds were registered. Among other large claims said to have been filed in duplicate was that of Allied Owners Corp., a theatre building and leasing organization, for approximately $6,000,000.

Arliss Says Actors' Pay Not Big Enough

George Arliss thinks actors' salaries are not high enough. He expressed this view at a press luncheon yesterday when somebody asked him his ideas about the suggestion from Washington that the government should investigate the problem.

The only way the government could regulate actors' pay, he said, would be to end competition between companies.

Arliss will leave for the coast next week to start "The House of Rothschild," his first under his new 20th Century contract.

Animators in Guild

HOLLYWOOD, Oct. 13.—Animators, assistant animators and others employed in the production of cartoons have formed Animating Artists' Guild. Myron Natwick is president; Earl Hurd, first vice-president; Ben Clopton, second vice-president and secretary-treasurer. Thomas H. Walsh. James Calhane, Tex Avery, C. I. Ellis are on the executive board.

Mayor Orders Clean Up

As a result of the excitement created by Sally Rand's fan dance at the Paramount, License Commissioner Sidney S. Levine has ordered, at the request of Mayor O'Brien, a clean-up of all places where "shameless and vulgar" displays are made.

J. V. Allan Weds Today

James V. Allan, assistant to Gradwell Sears at the Warner home office, will be married in New York today to Gertrude K. Allgier of Cleveland. The couple will make their home here.

Educational Signs Wells

William (Billy) K. Wells has been engaged to supply comedy material for a number of the pictures Educational is making at the Eastern Service Studios in Astoria.

Gering to Direct Sidney

HOLLYWOOD, Oct. 13.—Marion Gering has been assigned to direct Sylvia Sidney's second picture following her return from Europe, "Good Dame."

Rogers to Make 12

HOLLYWOOD, Oct. 13.—Charles R. Rogers will make 12 instead of eight as an independent producer for Paramount this season.

Eastman Off Two and a Half

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24	23¼	23¼	— ⅝	200
Consolidated Film Industries	3⅝	3⅝	3⅝	+ ⅛	100
Consolidated Film Industries, pfd	10¾	9⅞	9⅞	— ½	500
Eastman Kodak	77¼	75¾	76	—2½	500
Eastman Kodak, pfd	126½	125⅞	125⅞	—1⅞	8,000
Fox Film "A"	16	15¾	15¾	—1	500
Loew's, Inc.	32	31	31	—1	1,800
Paramount Publix	1¾	1⅝	1⅝	.....	1,300
Pathe Exchange	1¼	1¼	1¼	— ⅛	900
Pathe Exchange "A"	9	8	8	— ¾	1,100
RKO	2⅞	2¾	2¾	— ⅛	400
Warner Bros.	7¾	7½	7½	— ¼	2,600

Columbia Rises One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures	24	24	24	+1	100
Technicolor	12¾	10½	10½	—2¼	3,800

Paramount Publix Off One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40, ctf	4¼	4¼	4¼	— ⅛	3
Keith B. F. 6s '46	45¾	45¾	45¾	+ ⅛	1
Loew's 6s '41, ww deb rights	85¼	85¼	85¼	+ ¼	1
Paramount Broadway 5½s '51	31¾	31¾	31¾	.....	5
Paramount F. L. 6s '47	32	32	32	+ ⅞	2
Paramount Publix 5½s '50	32¼	32	32	—1	3
Warner Bros. 6s '39, wd	47	46½	46½	— ¼	17

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Penalties to Check Salaries

White House Attitude May Be Reason

(Continued from page 1)

person to enter into the employ of such employer.

"If the code authority finds that such employer has done so, the code authority shall have the power, with the approval of the Administrator, to impose an assessment against such employer in the amount of the unreasonable excess payment to such person, not, however, to exceed the sum of ten thousand dollars ($10,000.00) and to make public its findings, but nothing in this part shall in any manner impair the validity or enforceability of such agreement of employment. All such assessments shall be paid to the code authority for use by it in the administration of its functions."

The new clause seemingly is designed to hand out object lessons to offenders through a system of penalties. Significant to note is the phrase which makes it clear that nothing "shall in any manner impair the validity or the enforceability of such agreement of employment." The deduction thus becomes obvious that while a producer or an employer may be chastised for countenancing excessive salaries, his reward is to be a fine while the salary which may occasion it will continue under the terms of the contract that legalizes it.

Purpose Behind Revision

Apparently the tenor of the clause was fashioned to keep in mind Section 7, Article C, of the National Indistrial Recovery Act, in which it is made clear in simple language that maximum salaries cannot be fixed under the scope of the act.

At the same time it is understood that the purpose behind the revision in former Article 10 is the attitude expressed by the White House on sky high salaries. There has been some speculation as to what would be done in the code in the face of the statement issued from the White House on Wednesday. It appeared to some observers that the industry could not consistently fail to take cognizance of the President's attitude and that a clause meeting his viewpoint in part must of necessity be included in the code.

Washington was devoid of all codifiers except a handful tonight. The M. P. T. O. A., by statement of Rosenblatt, is now satisfied with the code. The deputy did not say how well satisfied, but the M. P. T. O. A. aggregation is largely of a frame of mind which recognizes that it will have to take in good grace what it has been able to get.

Fixing of Aug. 23 as the prevailing date for operators' wages, which Rosenblatt finally ruled today, means that exhibitors have lost one of their major battles. How the M. P. T. O. A. feels about the situation as of tonight is outlined in detail elsewhere in this edition.

Labor Set Straight

Studio labor, which ran into a sudden snag on overtime provisions, was straightened out today at the conclusion of an eight-hour session in Rosenblatt's office. It was agreed that where union help works over 54 hours a week during the life of a production, it is to be paid at the rate of a day's pay for every six hours above the 54-hour limit after the picture is finished. Pat Casey, his job finished here, left for New York tonight.

Analysis of the insurgent group, first promised for Wednesday and then for today, failed to meet its own deadline. Abram F. Myers expects to deliver it to Rosenblatt on Saturday. The deputy expressed himself willing to consider it, if the text arrives before the code is ready to go to Administrator Hugh S. Johnson. A third revision is in the immediate offing and may be ready by Monday. Accompanying this will be Rosenblatt's analysis of the draft and what it proposes to set forth for the industry. This will be the third and undoubtedly the final code.

Home Stretch in View

Indications that the final lap is in sight insofar as the NRA is concerned is borne out by a session between the deputy and legal lights of the Recovery Administration which terminated at 1:15 Friday morning. Present were attorneys for the Hays organization.

Even as matters stood tonight the end of the road was not yet in sight on former Article 10, acceptable as it may be to most of the majors, including Paramount, Warners, Fox, M-G-M and RKO. It is not insofar as Universal, Columbia and United Artists are concerned. As a matter of fact Rosenblatt admitted this afternoon that the article is being further revised, although he declared he anticipated no further drastic changes.

A report in circulation today that the Consumers' Advisory Board of the NRA had suggested modifications in master agreements between major circuits and major distributors on film service was something Rosenblatt said he had not heard about.

Connecticut MPTO Sends Code Protest

HARTFORD, Oct. 13.—Protests against the present setup for grievance boards in the revised NRA code have been sent to Deputy NRA Administrator Sol A. Rosenblatt by the M.P.T.O. of Connecticut, and a request has been made for a hearing.

In a wire the M.P.T.O. group says grievance boards as at present constituted seem to favor affiliated theatres and producers.

Cole on NRA Work

KANSAS CITY, Oct. 13.—Arthur Cole, office manager at the Paramount exchange here, and secretary of the local Film Board, has been named a member of the NRA organization staging the local 12-week Buy Now campaign. Cooperation of exhibitors is to be obtained in running trailers.

Nizer Estimates

Washington, Oct. 13.—The code's 10 per cent picture cancellation clause will cost distributors $20,000,000 annually, Louis Nizer, New York Film Board secretary, told M.P.T.O.A. delegates during a conference late Thursday night on phraseology changes in the trade practice section of the code. Some eyebrows were raised at this estimate.

Sales executives of major companies in New York told *Motion Picture Daily* early this week the cancellation clause would cost them $6,000,000, if all exhibitors eligible canceled the maximum number of pictures permitted by the provisions.

No Further Salary Talk by Executive

(Continued from page 1)

at the regular press conference with President Roosevelt.

Asked to clarify his reference to "immature players" in view of the various interpretations of the term which have been made subsequently by many newspapers, the President indicated his disapproval over the fact that some dispatches had quoted the word "immature," adding that he had been surprised to learn that some newspapers had singled out Jackie Coogan as a representative of the type of player the Chief Executive had had in mind.

"Did you refer to physical or mental age?" the President was asked by Warren Francis, *Los Angeles Times* correspondent.

The President apparently found the question amusing, for he laughed.

Allied of Milwaukee Wires Code Protest

MILWAUKEE, Oct. 13.—Opposition to the code has been wired President Roosevelt by F. J. McWilliams, president of the Allied Independent Theatre Owners of Wisconsin, following a meeting here.

The message protests the code "fails to correct monopolistic and unfair practices and the present oppression of small theatres, and tends to promote such practices." The wire urges the president to withhold his signature until an analysis of the code can be made.

One of the features of the proposed code particularly objected to by the Wisconsin Allied unit is block buying.

Wallace Beery Leaves

Wallace Beery spent one night in town at the Warwick and took off by plane yesterday for the coast. He arrived Thursday on the *Rex*. As soon as he reaches the coast he will fly his own plane to Mexico City to start work in "Viva Villa."

Detroit Group Lining Up for An MPTO Unit

WASHINGTON, Oct. 13.—Declaring they are determined to challenge the supremacy of Allied in Detroit, exhibitors from that city who are here seeking relief from alleged iniquities of Mid-States Theatres, buying combine in which H. M. Richey and J. C. Ritter of Allied are charged with being officers, are making arrangements to form the M.P.T.O. of Detroit and to affiliate with the national M.P.T.O.A.

Rosen Has Power to Act

Adrien Rosen, Detroit attorney, stated today he has authority to act for 80 Detroit houses, "most of them new members of Allied." Plans to definitely crystallize the new exhibitor unit which, if it develops, will be the first competition Allied of Michigan has had to face will take shape at a meeting called for that city on Oct. 17.

Rosen, like Sol Marks of May, Rosen and Ratner, who is also here, is identified with counsel combating Mid-States buying activities through suits filed to restrain them. He states that, aside from the Mayfair, Iris and Kramer, there are approximately 17 other Detroit houses which are suffering through inability to buy product, since they are not members of Mid-States. These houses, he asserts, include the Royal Oak, Redford, Oriole, Virginia Park, Pasadena, Colony, Globe and New Plaza representing a total investment of "over $1,000,000."

Fail to Get Anywhere

A three-hour meeting with Richey on Wednesday night at which efforts were made to reach an amicable settlement of the situation failed to get anywhere, according to Rosen.

In the meantime, relief sought by Ed Kuykendall, president of the M.P.T.O.A. for the Iris and Kramer, is declared to be on the way. It was stated today that "three major exchanges" had promised to service these houses, but who they are was something neither Rosen nor Ruttenberg wanted to discuss.

Stars on Radio for NRA

Three noted film stars and a radio headliner have offered their services in a series of radio talks to help push the "Buy Now" drive of the NRA. The first to go on the air was Marie Dressler, who was heard from New York last night over the NBC network. Also this evening Mary Pickford will speak in behalf of the NRA from the coast, with a second radio appearance scheduled for the following Saturday. Charles Chaplin will speak from Hollywood on Oct. 23. Kate Smith is listed for a talk on Oct. 19.

Johnson Answers Salary Queries

He Condemns Many Salaries As 'Grotesque'

(*Continued from page* 1)

referring to the act Johnson said: "There is nothing in it that shall be administered so as to create a maximum as well as a minimum wage." The law itself covers this point in Section 7, Article C, which reads in part:

"The President may differentiate according to experience and skill of the employes affected and according to the locality of employment; but no attempt shall be made to introduce any classification according to the nature of the work involved which might tend to set a maximum as well as a minimum wage."

Johnson's view of the film code came as a result not of a statement, but in answer to questions at the regular Friday press conference.

Replies to Questions

Queries shot at him from various newspaper men brought to light part of the discussions held with industry leaders last Saturday in the Department of Commerce Building.

The official stenographic transcript of those portions of the interview pertaining to the film code follows:

Q. Deputy Rosenblatt said that probably the reason the President issued his order to investigate movie salaries and excessive payrolls was because he had been shown a list of 466 individuals who drew 51 per cent of the producers' payroll. What check-up will you make in that investigation?

A. I think Rosenblatt has asked these people for data, of course they are not going to reveal to the public their salary lists; they are not going to reveal them to each other. It will be under an agreement that will be revealed to the President, or me, for his information, but they will not be revealed to the public or to each other. That is a very important point.

Later in the questioning relative to pictures Johnson was asked:

Q. Returning to the movie code, last week you had several conferences with the producers over the week end. Can you give us some idea what you talked over? Was it confined solely to salaries or were other problems taken up?

Explains Whole Controversy

A. Well, there was quite a general discussion, but it was mostly on that. I can tell you what that controversy is, and it surely is a pippin. Mayhe you know.

Q. No.

A. What they claim is that as soon as one of these companies picks somebody up and makes a contract with him and uses a lot of publicity, etc., in distribution, and builds that person up until his box-office drawing capacity is a fabulous thing, then one of two things happens: one, the companies operating on a shoestring proceed to tend to get that person to violate the contract in some way that cannot be reached through the courts. And second, and most important, that after having had that enormous investment in such a person—I am putting the case as put to me and not expressing my opinion—and the contract draws to a close, that other producer, for the purpose of capitalizing on his investment, begins to run that salary up until it gets to a point where they cannot go any further, and they just have to give it up.

Q. That is the entire ratings problem; that is not phase of the salary problem?

A. That is the one that the producers are interested in.

Q. You say they claim it. Two or three groups?

A. Yes, that is right. I have had this thing presented to me by all of them and I have seen them split up and each one make it differcnt. I am not criticising them because they have a hard problem.

Q. Did you go into the question of salaries of directors as well as actors?

A. They were discussed, yes.

Q. On that point Rosenblatt has said in a rather challenging and threatening manner that anything done on stars' salaries would apply equally to executives, directors and other employes.

A. What do you mean by threatening? I do not think he meant to threaten—I am sure he did not mean that; I know what he did mean.

Q. Are the producers fighting over this question of control?

Calls Huge Salaries "Abuse"

A. No, but there is a good deal of feeling in the country and it is strongly represented here in correspondence and stuff like that. I think all but one of the large companies are in the receivers' hands and that the stockholders and the public audiences have some rights in the matter because it has gotten to a point where these salaries are grotesque and they are an abuse, because the money is taken out and given to somebody, whereas the public is not considered at all, either as stockholders or in the price they pay at the box-office. It is an abuse in the industry that should he considered in the code. I have not made up my mind on this at all, and do not put me down as saying these things, because I do not know what to say yet.

Q. The producers counter by saying that while stars do get tremendous salaries some labor also gets high salaries and should also be cut.

A. Yes. I believe a union labor leader from out there whose salary is reported to me to be $800 a week was making representations on this code.

Q. Would you take the position that it is a high-salary industry?

A. I have not taken any position at all. I think this is a most peculiar set of circumstances.

Q. Do you think something will be done about scaling down salaries?

A. I have not been able to see a way yet to scale them down. This law says there is nothing in it that shall be administered so as to create a maximum as well as a minimum wage.

Later in the discussion on pictures Johnson was asked:

Q. When do you expect the movie code?

A. I do not know.

AMPA to Talk Code

Discussions of the advertising, exploitation and publicity section of the industry code are slated to come up before the A.M.P.A. either at next Thursday's or the following meeting, according to John C. Flinn, president.

Looking 'Em Over

"Saturday's Millions"

(*Universal*)

With the start of the football season, Universal is the first to come through with a grid picture, entertaining and unique in plot. Robert Young, as the hero, handles a difficult role well. Leila Hyams, John Mack Brown, Andy Devine, Mary Carlisle, Ernie Nevers and Erny Pinckert comprising the support.

Of the opinion that his friends flock around him because he is the football hero of the hour, Young decides to get as much out of the game as possible. He takes to betting and also breaks other rules which get him into trouble. He even goes as far as to curtail relations with Miss Hyams for another girl, who when she has him stuck on her, tries to get him to lose the game.

Young refuses and in a melee with Paul Porcasi injures his right hand. He goes into the crucial game to win, but when the deciding play comes, the hero fails to come through. He thinks he's through, but, surprisingly, his team mates and coach tell him it was his best game. And so does the heroine and that patches up another wound. Andy Devine and Mary Carlisle furnish the comedy interludes and they drew plenty of laughs at the Old Roxy yesterday. In general the picture seemed to get over. Edward Sutherland directed.

Academy Hits Strike Talk As "Extreme"

(*Continued from page* 1)

would be diluted by the fact that the most important actors are under long term contracts and also that more than 400 individual actors are signatories to the actor-producer basic agreement of 1930, which prohibits them from striking. This agreement has 17 more months to go."

Still Sticks to Guns

The Academy continues to say it has become punchdrunk from accusations of being producer-controlled, "but we still believe in our proposed modifications of Articles 9 and 10. We are still firmly convinced that Article 10, now Part 5, should apply only to those getting $1,000 a week and more and should not apply at option time. Neither should there be any three or six months posting of employment notification clauses.

"We still believe the registration should be through the Academy or some other equally impartial machinery of employe representation."

This statement in all probability will be picked to pieces and answered Sunday night by actors and writers who declare they will take definite action on the code.

Academy Will Push Battle on Article 10

(*Continued from page* 1)

to determine what the article should or should not embrace, was to hold a public hearing on the ground in Hollywood.

Rosenblatt, as noted, is on record with having labeled such an idea "ridiculous," and by so doing has closed out any further discussions of the Academy suggestion.

Labor Victor, Aug. 23 Stays As Wage Date

(*Continued from page* 1)

each machine. Second, small town exhibitors and all committees where the I.A.T.S.E does not now exist may continue as heretofore on a minimum basis of 40 cents per hour. Third, labor's latest proposal definitely sets up fair and equitable grievance boards to settle all labor disputes, and in the administrator's own words 'there will hereafter be none of this open warfare.'

"In brief, all labor disputes will in future be mediated in a manner not heretofore existing. The mere fact that many I.A.T.S.E. locals are opposed to the code clearly indicates a wide divergence of opinion on all sides."

Meyer Explains Stand

Indicating again that the M.P.T.O.A. is far from being in absolute accord with many code provisions, Meyer said: "The M.P.T.O.A. had no more to do with its present contents and phraseology than anybody else. It is the Administration's code, and while we did not get a great many of the things we wanted or felt we were entitled to, neither did anybody else. The M.P.T.O.A. takes the stand that the code, if and when signed by the President, is subject to revisions, amendments and modifications. There isn't the slightest doubt in our mind but that these will be forthcoming from time to time. No matter what we or any individual may think of the code, the fair grievance boards, equitable zoning and clearance regulations, 10 per cent elimination for the little exhibitor and a clear ruling on substitutions are but a few of the benefits gained.

"If and when the time comes that we can finally depart, we will be able to do so with self-satisfaction and the knowledge that we put up a fight, and the net results show some gains and no losses, and no surrender of any of our inherent rights and principles."

Ben Berinstein, president of the M.P.T.O. of Southern California, while not a national affiliate, finds himself in complete accord with the M.P.T.O.A. stand.

Fred Wehrenberg left for St. Louis today, but others are standing by until the final code goes to Administrator Hugh S. Johnson.

Music Publishers' Code Off to Nov. 2

WASHINGTON, Oct. 13.—Developing of a code for the music publishing industry, scheduled as Deputy NRA Administrator Sol A. Rosenblatt's next task, was set back today from Oct. 17 to Nov. 2 because some provisions in the present tentative code were found to be in conflict with the retail code. Rosenblatt will work out the discrepancies with Deputy Administrator Whiteside, in charge of the retail code.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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No Legal Bar to Fines For Producers Is Seen

Rosenblatt Seeks Code Clause Making Signatures a Contract

Washington, Oct. 15.—Deputy NRA Administrator Sol A. Rosenblatt is seeking an added clause to the code making the final form a contract between all signatories and the President.

He has discussed this with Hays lawyers, it was learned over the week-end, and met with opposition. The objections are reported to hinge around the reputed belief in the minds of major distributors that this would be too definite a commitment, if the constitutionality of the NRA is ever attacked and the law declared illegal by the United States Supreme Court.

Washington has been full of rumors for weeks that a legal test of the NRA and the unlimited powers accorded the code authorities under each Recovery Administration code eventually would be made.

Not Approved Yet, Says Rosenblatt, But He Thinks Plan O.K.

By RED KANN

WASHINGTON, Oct. 15.—Deputy NRA Administrator Sol A. Rosenblatt sees no conflict between the new code clause imposing cash penalties on employers up to $10,000 for violations of the code clause covering talent "raiding" and Section 7C of the National Industrial Recovery Act which makes it clear no regulation of maximum salaries is permissible.

Asked specifically if the new article, which will apply generally throughout the industry and is declared to be aimed not at Hollywood only, but at all excessive salaries, has been approved by the legal division, the deputy replied: "It has not been approved by anybody. I don't think it will conflict."

Over the week-end, which, incidentally, was unbroken in its calm and was a startling change from the earlier code sessions, it became almost a certainty that the new Article 10, to which virtually all majors agree and which Henry Herzbrun, studio attorney for Paramount, framed, was designed to meet the attitude on high salaries expressed by the President last week.

Whether it is designed to be a deterrent by its presence in the code, or whether the purpose will be executed is something only actual operation of the code will bring to light. Whether the actual text of the article leaves loopholes through which evasions might be engineered is another point. Several of the terms therein included are easily interpretable sevaral ways.

Rosenblatt's answer to a question Saturday seemingly strengthens this opinion.

"What yardstick will be used to

(Continued on page 7)

Fear a Super-Combination, Says Independents' Brief

WASHINGTON, Oct. 15. — Alleging that the codes submitted by Deputy NRA Administrator Sol A. Rosenblatt "offend" Section 3-a of the National Industrial Recovery Act and that the proposed set-up of code authority, grievance and zoning boards "would create a huge super-combination," independent producers, distributors and exhibitors filed their analysis with the deputy on Saturday. They now rest their case.

The brief was prepared in separate sections and consolidated here by Abram F. Myers. It represents the views of a number of organizations and was signed by Jacob Schechter, attorney for the Federation of the M. P. Industry; Mitchell Klupt, attorney for the Independent M. P. Exhibitors' Code Protective Committee, and Milton C. Weisman, attorney for the Independent Theatre Owners' Ass'n of New York.

Using as its base line the argument that code authority, grievance and zoning boards will not be balanced boards because representation among major divisions of the industry is not equal, the analysis charges the code, as now drawn, with setting up "quasi-judicial boards to determine the respective rights of exhibitors and dis-

(Continued on page 6)

New Setup of Fox Theatres Up in Parleys

Division Heads Wind Up Talks with Bankers

Reorganization conferences of various Fox theatre units now in receivership are understood to have been the purpose of five company executives in New York. Charles Skouras, Mike Rosenberg, Reeves Espey, Arch. M. Bowles and Frank Newman are understood to have held conferences daily with Spyros Skouras and Chase National representatives which are believed to directly involve the new set-up of various Fox theatre units in the west.

Reorganization of Fox Metropolitan Playhouses is scheduled to come

(Continued on page 2)

Weshner Appointed Wisconsin Manager

Dave Weshner has been appointed Wisconsin zone manager for Warners by Joseph Bernhard with headquarters in Milwaukee. He will have 30 houses under his supervision, the theatres being in Milwaukee, Racine, Sheboygan, Kenosha, Madison, Appleton, Green Bay, Fond du Lac, Oshkosh and Menominee. Most of the houses formerly were operated by Brachman & Saxe and Fox theatre interests.

Weshner left for Milwaukee Saturday and will meet Moe Silver there

(Continued on page 2)

Publix Enterprise Problems Up Oct. 23

Formation of a new organization to take over Tennessee Enterprises, Inc., the proposed sale of Augusta Enterprises, Inc., to Arthur Lucas and William K. Jenkins, formation of a new organization to take over the lease of the Palace, South Bend, and the proposed transfer of the assets of Publix-South Bend to J. J. Kiser as trustee are scheduled to come up for

(Continued on page 2)

Dellis Looking Over Schine Ohio Houses

EAST LIVERPOOL, O., Oct. 15.—George R. Dellis, until recently city manager of the local Constant Circuit, consisting of the American and State, but now co-owner of the Palace, at Lockport, N. Y., is said to

(Continued on page 2)

Columbia Men Aim Hot Shot At the AMPA

Charging that the A.M.P.A. "has lost sight of its original purpose and has degenerated into a weekly picnic for printers, engravers, amusement advertising solicitors, agency men and trade paper men," Columbia has sent John Flinn, president, a letter signed by 11 members employed by the company asking for a "reorganization along principles which will make it

(Continued on page 2)

Adjustments May Come in Labor Terms

WASHINGTON, Oct. 15.—Notwithstanding the arbitrary date of Aug. 23, mentioned in the scale for operators, it is learned from authoritative sources that both Deputy NRA Administrator Sol A. Rosenblatt as well as the I.A.T.S.E. officials have given their assurance that where existing scales work hardships by reason of unfair classification they may be reclassified and

(Continued on page 7)

Ohio MPTO Not in Wire Moves—Wood

WASHINGTON, Oct. 15. — Deputy NRA Administrator Sol A. Rosenblatt has received a wire from P. J. Wood, business manager of the M. P. T. O. of Ohio in which he

(Continued on page 7)

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Columbia Men Aim Hot Shot At the AMPA

(*Continued from page* 1)

of definite value to the less fortunate members of the so-called profession of press-agentry." The letter is signed by Lou Lusty, Gregory Dickson, Ed Olmstead, Arnold Van Leer, Ben Atwell, George Brown, Les Kaufman, Leo Freedman, Fred Marshall, Hortense Schorr and Lou Goldberg.

The letter, in addition to seeking exclusion from membership of others than film advertising, publicity and exploitation men, suggests that A.M.P.A. members be taxed to take care of its unemployed. "Being a member of the organization should imply certain qualifications for a job in the industry," the letter states, which would guarantee the employer "a certain amount of experience and brains. A.M.P.A. men must hang together. If they did, there would not be anything in the code as ridiculous as a $50 minimum for publicity men."

Declaring that they have kept away from meetings because of their views, the signers say they are still interested in the A.M.P.A. and "would like to see it climb back to the position it attained seven or eight years ago." They say they are looking to Flinn to jack it up so that it will be of definite value to its members "instead of a weekly conclave of wise-crackers."

Since Flinn took office the meetings have been serious, but whether all the complaints made by the Columbians will be acted upon is not known as yet.

Publix Enterprise Problems Up Oct. 23

(*Continued from page* 1)

approval at a meeting of Publix Enterprises creditors before Referee in Bankruptcy Henry K. Davis on Oct. 23.

Another subject scheduled to come up is the proposed conveyance by Acme Theatre Corp. to the Volunteer State Life Insurance Corp. of the Lakeland (Florida) Theatre in satisfaction of a mortgage indebtedness of $41,703.75.

B'way Show-Window

ASTOR—"Dinner at Eight" (M-G-M)—reviewed Aug. 29.
CAMEO—"S. O. S. Iceberg" (Univ.)—reviewed Sept. 23.
CAPITOL—"Night Flight" (M-G-M)—reviewed Aug. 23.
GAIETY—"Berkeley Square" (Fox)—reviewed July 5.
HOLLYWOOD—"Ever in My Heart" (Warners)—reviewed Oct. 13.
MAYFAIR—"Before Dawn" (Radio)—opening today.
PALACE—"Ann Vickers" (Radio)—reviewed Sept. 28.
PARAMOUNT—"I'm No Angel" (Para.)—reviewed Oct.. 5.
RADIO CITY MUSIC HALL—"Private Life of Henry VIII (U. A.)
RIALTO—"My Woman" (Col.)—reviewed Oct. 6.
RIVOLI—"The Bowery" (U. A.)—reviewed Sept. 28.
RKO ROXY—Saturday to Tuesday—"Ann Vickers" (Radio) —reviewed Sept. 28. Wednesday to Friday—"Big Executive" (Para.)—to be reviewed.
ROXY — "Saturday's Millions" (Univ.)—reviewed Oct. 14.
STRAND—"Footlight Parade" (Warners)—reviewed Sept. 30.

Jump in "U" Sales Reported on Coast

HOLLYWOOD, Oct. 15. — James R. Grainger, general manager of Universal distribution, is here on his swing around the country with the news that 1,000 more contracts for his company's product have been signed this year that were for the same period last year. This increase, it is reported, will push "Saturday's Millions" into the major first runs, with "Only Yesterday" and "The Invisible Man" following it. Grainger is returning to New York via Dallas, New Mexico, Charlotte, N. C., and Washington.

Last week's sales were over $1,000,000 without any estimate of percentage pictures, according to Grainger. It was the greatest week's business in the history of Universal, he states.

Dellis Looking Over Schine Ohio Houses

(*Continued from page* 1)

be making a survey of several houses of the Schine circuit in this territory, pending negotiations for acquisition in the formation of a circuit of his own.

Before his local connection, Dellis managed Constant's Palace at Canton.

New Setup of Fox Theatres Up in Parleys

(*Continued from page* 1)

up shortly with George Skouras set to retain operation of theatres he is now handling.

J. J. Sullivan, Fox West Coast film buyer, has been in New York for several weeks lining up film buys for the new season. He left last Friday.

Rosenberg is of Principal Theatres, Los Angeles; Espey of Fox West Coast, Los Angeles; Bowles of northern California division of F. W. C., San Francisco, and Newman of Evergreen Theatres Amusement Corp., Seattle. All are in receivership except the last named circuit. Bowles, Charles Skouras and Espey leave for the coast today. Newman and Rosenberg departed last week. Reorganization of the units is expected by Jan. 1, 1934.

Weshner Appointed Wisconsin W.B. Head

(*Continued from page* 1)

today. All Wisconsin managers will meet Weshner at a special meeting today. Prior to leaving Saturday, Weshner stated he did not contemplate any revolutionary changes in the present setup but was first going to thoroughly digest the situation. He recently returned from upstate New York and a special assignment.

Dyer Sound Patent Hearing Is Started

WILMINGTON, Oct. 15. — Samuel C. Darby, Jr., New York attorney, today made the opening argument in the patent infringement suit of Frank L. Dyer of Ventnor, N. J., against Sound Studios, Inc., in the U. S. District Court here.

Dyer alleges infringement of a patent he holds on long-playing phonograph records, claimed to be suitable for synchronizing with films.

The trial was brought to an abrupt close later in the day when Joseph Maxfield of New York, expert witness for the defense, was taken ill, forcing a postponement for a number of days.

Purely Personal

JOHN WENGER, scenic designer, associated with SAMUEL L. ROTHAFEL at the Rialto, Rivoli, Capitol and old Roxy, will have his art work on exhibition at the Grand Central Galleries, starting Tuesday and continuing to Oct. 28.

J. MAXWELL JOYCE, formerly with M-G-M and Paramount and latterly handling publicity on the World's Fair, is in town.

EVE MILLER of the M-G-M publicity department is at the Unity Hospital recovering from an appendicitis operation.

MAJOR F. H. LAGUARDIA, Fusion candidate for Mayor, will address the Roxy audience Thursday evening.

ROBERT SMELTZER, Warner district manager in Washington, is in town conferring with A. W. SMITH.

DAVE WESHNER left for Milwaukee Saturday. Arrives there today

MIKE MARCO left for Los Angeles Saturday.

Warner Drops 1½ Points

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3½	3¼	3¼	— ⅛	600
Consolidated Film Industries, pfd.	10¼	9⅞	10¼	+ ⅜	210
Eastman Kodak	76	75½	76	.....	400
Fox Film "A"	15⅝	15¼	15¼	— ½	400
Loew's, Inc.	31½	30⅝	31½	+ ½	1,400
Pathe Exchange	1¼	1¼	1¼	.....	100
Pathe Exchange "A"	8	8	8	.....	600
RKO	2⅝	2⅝	2⅝	— ⅛	100
Warner Bros.	7⅜	7⅛	7⅜	— ⅛	4,400
Warner Bros., pfd.	23	23	23	—1½	100

Trading Dull on Curb

	High	Low	Close	Net Change	Sales
Technicolor	10⅛	10¼	10½	.....	500

Most Issues Off Slightly

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40, ctf.	4⅛	4	4⅛	— ⅛	14
Keith, B. F. 6s '46	46	46	46	+ ¼	7
Loew's 6s '41 ww deb rights	85	85	85	— ¼	2
Paramount Broadway 5½s '51	31	31	31	— ¾	5
Paramount Publix 5½s '50	32⅛	31½	32⅛	— ⅞	4
Warner Bros. 6s '39, wd	46	45¾	46	— ¼	7

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX *Directed by* RALPH STAUB
Direction: LEO MORRISON

THE MAYFLOWER
61st STREET, (Central Park West)
New York City
CONVENIENT TO THE FILM AND THEATRICAL CENTER
1-2-3 Rooms. Full Hotel Service
FURNISHED OR UNFURNISHED
By the Year, Month or Day
Serving Pantries
Electric Refrigeration
JOHN W. HEATH, *Manager*

BE KIND

TO THEIR EARS
or else...

IT'S twenty to one (and that's no sport's bet) the house with old type sound doesn't even begin to approach the attendance of the house down the street with a brand new High Fidelity System.

And that stands to reason. Six years ago the show business was for the eye only. When sound came in, anything was good...at first. But now, it's different. Folks come to see and *hear.* And they're not taking nor liking sound that's frayed at the edges.

High Fidelity Sound means new life for your house ...new patronage and new profits. Hardly a week goes by without an enthusiastic report bearing us out on this... reports of exhibitors who claim that purely from a box office standpoint, their High Fidelity Equipment is the best paying investment they have.

This we pass along to you with the reminder that times are on the up and up. More recreation for workers and more money... better product and new headliners all mean bigger crowds willing to stand in line to pay you money, IF you give them sound in tune with the times... IF you give them

HIGH FIDELITY SOUND

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RCA — HIS MASTER'S VOICE

Right you are! Please have your representative get in touch with me immediately with facts and figures about a High Fidelity installation in my theatre.

Name.....

Address.....

City..... *State*.....

MD

UNIVERSAL AWAY

Leading Theatres Recognize Qualit
First of New Season's Release

SATURDAY'S

Booke

*Paramount, Los Angeles,	Oct. 19	Brown, Louisville,	Oct. 2
Roxy, New York,	Oct. 13	Earle, Philadelphia,	Oct. 2
Lafayette, Buffalo,	Oct. 5	Palace, Cincinnati,	Oct. 2
Roosevelt, Chicago,	Oct. 21	World, Omaha,	Oct.
Strand, Albany,	Oct. 19	Warner, Pittsburgh,	Oct. 1
Fisher, Detroit,	Oct. 13	Lyric, Indianapolis,	Oct. 1
Paramount, Atlanta,	Oct. 14	Roxy, Seattle,	Oct. 1
Orpheum, San Francisco,	Oct. 13	Egyptian, Sioux Falls,	Nov.
Allen, Cleveland,	Oct. 19	Lincoln, Lincoln,	Oct. 2
Orpheum, Denver,	Oct. 21	Rialto, Washington,	Oct. 1
Strand, Memphis,	Oct. 6	Missouri, St. Louis,	Oct. 1

TO FLYING START!

of Universal's New Product— Hits First Runs Everywhere!

MILLIONS

To Play

Warners, Troy,	Oct. 21	Strand, Hartford,	Oct. 6
Melba, Dallas,	Oct. 20	RKO Palace, Rochester,	Oct. 13
Stanley, Utica,	Oct. 19	Eckle, Syracuse,	Oct. 13
Majestic, Houston,	Oct. 14	Astor, Reading,	Nov. 1
Publix, Macon,	Oct. 20	Strand, Allentown,	Nov. 1
Uptown, Kansas City,	Oct. 21	Capitol, Scranton,	Oct. 16
Capitol, Miami,	Oct. 7	Fox, Brooklyn,	Oct. 20
Alhambra, Milwaukee,	Oct. 13	Branford, Newark,	Oct. 6
Warner, Springfield,	Oct. 6	Palace, Columbus,	Nov. 3
Liberty, Oklahoma City,	Nov. 2	Keiths, Baltimore,	Oct. 12
Warner, Worcester,	Oct. 6	Orpheum, Salt Lake,	Oct. 27

* *"Saturday's Millions" is the first Universal picture ever booked in this theatre*

Claim Abuses Are Not Corrected

Independents Say They Fear Super-Control

(Continued from page 1)

tributors and between affiliated exhibitors and independent exhibitors." This, the analysis declares, means the independent "coming into these boards as a plaintiff would find the defendant sitting on the bench."

Five objections are made to the contemplated machinery of the three boards. As the analysis presents them, they are:

(a) Would vest complete control of the motion picture industry in the major producers who are members of the M. P. producers and Distributors of America, Inc. (the so-called Hays organization);

(b) Would divest the independent producers, distributors and exhibitors of such measure of protection against the predatory practices of the major producers as they now enjoy under the anti-trust laws;

(c) Would violate the constitutional rights of the independent producers, distributors and exhibitors by taxing them for the support of boards created in the interest of the major producers and by compelling them to furnish evidence to be used against them in criminal cases;

(d) Would create a huge super-combination which, but for the immunity conferred by the National Industrial Recovery Act would constitute a flagrant violation of the Sherman Anti-trust Law;

(e) Would not settle the issues which now divide the industry but, on the contrary, would aggravate them.

Would Create "Hierarchy"

The plan, it is charged, will result in "a never-varying hierarchy." The independents take the stand that not only is control of code authority completely vested in the majors but "elaborate precautions have been taken to prevent any lessening of that control. This, it is argued, follows under the provisions which gives each member of code authority the right to name his successor in the event of resignation, death, ineligibility or incapacity.

"One of the most amazing provisions," says the analysis, "and one fraught with the gravest danger to the independents, is the one authorizing the code authority to appoint committees 'including other than members of the code authority' and to delegate to such committees 'generally or in particular instances such power and authority within the scope of the powers granted to the code authority under the code." This dangerous power can be exercised by majority action of the code authority, hence it lies within the power of the major producer members and one other to transfer all the powers and duties of the code authority to a committee having no independent members whatever."

The independents, or at least, the Allied end of the independent group, appear disturbed because local exhibitor organizations will have no voice in naming members of grievance and zoning boards, this right being delegated to code authority. "This means that the major producers by virtue of their domination of the code authority will be in a position to stack these local boards in their favor," asserts the brief.

The charge is also made that, under the proposals as currently drafted, independents will be taxed for board maintenance "for the benefit of the major producers"; that the right of code authority to conduct independent investigations of alleged violations and in so doing to call for appearance of all papers, books, documents and records is tantamount to forcing independents "to furnish evidence against themselves for use in criminal cases."

Say Producers Dominate

On grievance and local zoning boards, the argument is more or less a duplicate of the stand assumed in relation to code authority. The analysis poises the argument that clearance and zoning boards will be dominated by the major producers. It asserts that of the six votes accorded each board the two first runs, affiliated and independent, will stick together since both of them are interested in extending clearance over subsequent runs as far as may be possible. The two distributors, affiliated or not, will join hands, it is claimed, because they "have a common interest in selling ind therefore accommodating the first runs." On this theory, the independents, as a consequence, would have two votes against a "stacked" block of four.

Their conclusion, the independents say, is that the direction to the zoning boards, as contained in the code, will result in giving affiliated theatres even greater protection than they today enjoy. "The problem will never be settled unless it is settled right, and unless the Administration can and will include provisions in line with the reasonable proposals of the independent exhibitors, it will be better to leave the subject to be dealt with by the courts under the anti-trust laws."

Call Boards "Mere Bait"

Grievance boards "are mere bait to induce exhibitors to sign away their constitutional rights," the analysis holds. The rights vested in these boards in the first draft were onerous enough, the group insists, but the second revision of the code "removes all doubt as to the power of the grievance boards to rectify abuses not specifically provided against in the code." As provided now, therefore, the indepenednts find this section of the code less acceptable than the similar clauses in the first draft.

All of these points are singled out in the brief to bulwark the argument that complete monopolization of the industry impends. Therefore, the independents feel that "unless adequate safeguards are written into the code for the protection of independents, there should be added a saving clause which would expressly preserve their rights under existing judgments, decrees, litigations and laws. Anything short of this would be tyranny."

The second section of the analysis deals with an interpretation of specific provisions in the proposed code. There are 15 specific arguments offered and one general argument.

The independents, for instance, find the proposed clause on substitutions faulty and want clearer and more restrictive language.

Want Theatres Protected

On non-theatrical competition, the independents say the clause should fully protect the established theatre operators and should make it mandatory on the distributors to prove to the grievance board, in advance, that such sale will not prove unfair competition.

It is argued that selectivity of shorts is a privilenge that belongs to the exhibitor and that the clause covering this practice in the proposed code sanctions the practice of forcing shorts. Independents also maintain the combination sale is unfair to distributors who sell their shorts and features separately.

Allocation of film rentals has not been taken care of, it is claimed. The analysis says the code, as it stands, takes no cognizance of the alleged distributor practice of allocating delivered pictures into higher price groups and undelivered pictures into lower price groups.

Objecting to the distributor privilege of designating playdates, the analysis enters strenuous arguments against such practice on the ground it fails to permit the exhibitor to run his own business; that it improperly limits the ground upon which an exhibitor may procure a change in dates; that it leaves the right of relief to the discretion of "producer-controlled boards" and that, even where an exhibitor may shift a percentage picture, he is compelled to take another which the distributor designates.

Substitution Clause Out

Included in the first revision, but omitted from the second is a clause which reads;

"An exhibitor shall not be required to accept or pay for any picture released or offered by a distributor which materially differs from the general style, character or class of story set forth in the exhibition contract." The independents want it restored.

Other points sought include:

Clarification of the clause ruling out premiums by a 75 per cent vote in each zone.

Clarification of the clause on theatre transfers to avoid completion of contracts for film service.

Clarification on the clause covering advertising by prior runs.

On the 10 per cent cancellation clause on pictures averaging $250 each or less in rental, the brief contends the provision, as drafted, permits code authority to limit its operation "beyond its ostensible meaning."

"Not only is the privilege granted trifling in itself, but it is hedged about with innumerable conditions which make it doubtful whether it will yield the exhibitors what it purports to promise," the brief maintains, and it argues further that this clause "makes no contribution toward the solution of the evils of block booking."

Arbitration Satisfactory

The independents find the arbitration provision generally satisfactory except insofar as selection of a friendly umpire is concerned. The umpire is to be called in where a deadlock develops. The brief advances an argument for his selection by a judge of the United States District Court "or other neighboring court of unlimited regional jurisdiction or other disinterested public official."

The miscellaneous division includes the following on which clarification is sought:

(a) Definitions: These require some modifications, as well as additions.

(b) The practice of preventing a responsible producer from renting studio facilities.

(c) Interference with an outside or associated producer.

(d) Employment by producers under Article V, Part 5 of the second revision of the Code. (This refers to talent, former Article 10.)

(e) Details and interpretations concerning labor provisions.

Points Out Omissions

"Every proposal directly aimed at recognized vices, and every statement of principle intended to guide the boards to just and remedial determinations, has been omitted from the revisions of the code which have been handed down," is the statement made at the outset of the third section, dealing with omissions.

Significant among the points presented here is a demand by the independents that the code should apply to existing contracts. Neither in the first nor the second revisions did Rosenblatt refer to any retroactive phases of the code.

Taking up the cudgels for independent producers, the analysis cites double features can be disposed of finally only by including a clause expressly pointing out that theatre policy is a matter for determination by the exhibitor. "The omission in the code of any reference to double features is tantamount to vesting the power in the major producer-distributors of regulating the matter to suit themselves," it is argued. The reference here is to "rider clauses" reported to prevail in some distributor contracts whereby a particular product may not be shown when coupled with another feature.

If the uniform contract is to prevail, say the independents, the provision in the code establishing it becomes ineffective by the phrase "unless the parties mutually agree that a different

(Continued on page 7)

In 48 Pages and 18,000 Words

Washington, Oct. 15.—The independents' analysis of the NRA code was made public yesterday in a 48-page brief running 18,000 words in length.

The argument was divided into three major divisions. Eighteen pages were devoted to code authority, grievance and zoning boards and efforts to prove they will be dominated by major producers. Thirteen pages concerned analyses of trade practices.

The final 15 dealt with omissions in the code, as the independents see them. Much attention was paid to the right to buy in this section.

Block Booking Is Not Ended, Brief Asserts

Deputy Sees No Legal Snag Ahead

No Legal Bar To Fines Seen By Rosenblatt

(*Continued from page 1*)

determine the reasonableness of salaries?" he was asked.

"All relevant and material elements," was as far as his cautious reply went.

"Can the code authority investigate the reasonableness of salaries paid under existing contracts, or is this provision limited only to new contracts?" was another question.

"The code authority may investigate anything at any time," the deputy rejoined.

"Is it expected that in time this provision will result in establishing a maximum limit on the value of every professional and executive in Hollywood?" was the third query.

Rosenblatt's answer was confined to one word, which was "No."

Regardless of how it works, if at all, talent goes scott free, since the penalty specially hits the employer, not the employe. Regardless, as well, of how major executives feel about it, the public reaction to wiedspread newspaper publication of the penalty clause has been extremely favorable, said Rosenblatt.

Code work remaining to be cleaned up includes a re-draft of the former Article 10. The understanding is that its terms will be less stringent. Rosenblatt also divulged the fact that he had had a meeting with independent producers and distributors late Friday night. The meeting was satisfactory to them, according to the deputy.

Mrs. Dorothy Bryant is now for the code. Difficulties involving chorines will go to the code authority for adjudication.

The insurgent group finally got its analysis of the code off the press Saturday and delivered it to Rosenblatt. Forty-eight pages and 18,000 words in length, the brief charges the NRA code with "offending" that portion of the recovery act which hits at monopolies, but protects small enterprises.

Billboards Coming Back in Milwaukee

MILWAUKEE, Oct. 15. — Billboards are receiving the call in increasing numbers by local boards quite consistently, having plugged "Emperor Jones" in this manner last week and "The Bowery," current attraction.

Fox's Wisconsin is using the boards to advertise Billy Rose's "Crazy Quilt."

RKO Day and Dating "Angel" Around N. Y.

All RKO theatres in New York and New Jersey will play "I'm No Angel" day-and-date for one week, the start of the run contingent on when the picture winds up at the New York Paramount. Houses with split-week policies will change for the run.

Block Booking Is Not Ended, Brief Asserts

(*Continued from page 6*)

form be used." This is construed as permitting the distributor to exact from the exhibitor "a contract which may be more onerous or objectionable than the standard form."

Want Right to Buy Clause

From the standpoint of "the unprivileged independent," the most important matter in the code has been omitted, the analysis continues. This is the right to buy.

"All that the exhibitors have demanded in this regard is the removal of obstructions to the free flow of commerce and the elimination of unfair competitive practices which is the very policy of the Industrial Recovery Act. . . . There can be no code of fair competition worthy of the name if this subject is not honestly dealt with. . . . We readily admit that the adoption of this principle makes necessary a revision of the distributors' present sales methods and policies," reads the brief, in highlight, in this connection.

Returning to the stand taken originally by Myers on foreign films, the brief maintains imported product should be sold on its merits and not made a condition of sale with domestic product. The independents, therefore, argue for inclusion of a clause so specifying.

Salacious pictures will continue as "an abomination" because exhibitors are compelled to buy in block, it is further argued.

Because the code makes no mention of score charges, the independents are also disturbed. The argument holds, generally, that scores are an inheritance of the days when exhibitors used discs.

The final specific point has to do with secret rebates which were ruled out in the second NRA revision, although present in the first.

Hollywood Studios In Production Rush

HOLLYWOOD, Oct. 15.—Despite a general feeling of dissatisfaction over the proposed code here, production activity is at a new high level with a total of 56 features and seven shorts in work with 36 features and ten shorts slated to start within the next 10 days. In addition to this there are 36 features in the final stages of editing and 12 shorts in the same stages.

In work are the following: M-G-M, 9; Fox, 6; Paramount, 8; Roach, 1; Goldwyn, 2; 20th Century, 4; Universal, 5; Columbia, 2; Warners, 4; Radio, 2; Monogram, 3; independents, 10. Starting next week are: M-G-M, 7; Fox, 6; Paramount, 4; 20th Century, 2; Universal, 4; Columbia, 3; Warners, 5; Radio, 4; Monogram, 3; independents, 8.

Authority Is Set

Washington, Oct. 15.—Asserting again, as he has many times in the last few days, that the code authority personnel is set, or almost entirely so, in his mind, Deputy NRA Administrator Sol A. Rosenblatt said today the names may appear in the final code form. As the NRA draft was released publicly, the clause so dealing was left blank.

Operators' Scales Up in K. C. Houses

KANSAS CITY, Oct. 15.—Under new contracts negotiated by the three downtown first runs here with Local 170, I. A. T. S. E., operators' salaries have been increased from $69.60 to $82.50 per week. The latter is now the basic scale at Loew's Midland, the RKO Mainstreet and the Publix Newman. Four operators, two to a shift, are employed at each house.

Technically, the new scale is not considered a boost over the previous scale, as the old wage represents a cut from a $120 top provided in basic scale contracts effective Sept. 1, 1930, for two years. Upon concessions by the union, these contracts were later extended. Cuts three months apart brought the top down to $96.05, then $87. Following the bank closures last April, the union granted a further reduction, agreeing to $69.60 until Aug. 31, this year.

In negotiating new contracts, the union sought to restore salaries to the $87 level, but after several weeks of dickering finally compromised on $82.50, which is retroactive to Sept. 1, this year. The custom of entering into two-year contracts has been discarded in favor of 12-month agreements.

Still in progress are new contract negotiations with Local 31, I. A. T. S. E., comprising stage employes and electricians. The union, last April, conceded a 20 per cent slash, from approximately $84 to $67.15, and now demands a 25 per cent increase, which would restore salaries to the old level. The major circuits are insisting on a lower figure.

Cincinnati Grosses Show Decided Gains

CINCINNATI, Oct. 15.—There are definite indications here that business is on the up and up.

The RKO Palace, vaudefilm, with "Strike Me Pink" and "Rafter Romance" on the screen, grabbed $18,500, the best stanza this house has had so far.

"Dinner at Eight" roadshow at the Shubert, rang up an estimated $17,000, which is ahead of any roadshow picture in the past several years. "I Loved a Woman" registered around $7,000 at Keith's.

Both pictures were held over, as was "Waltz Time," at the Mayfair, which opened last week under management of Kathryn Turner.

Adjustments May Come in Labor Terms

(*Continued from page 1*)

salaries readjusted, according to the merits of each of such cases.

The fact that Rosenblatt has indicated to M. B. Horwitz, Cleveland exhibitor, that the contract for operators dated Sept. 1 calling for a 10 per cent reduction will not be affected by the Aug. 23 date was recognized here over the week-end as construable as establishing a precedent for contracts signed after the date provided for in the code.

I. A. T. S. E. men, however, are known to feel this clarifies a portion of the labor situation, but still remaining to be cleared is what happens to contracts prior to the specified code date. It now appears that labor may not have scored so complete a victory as the surface indications pointed Friday night.

A man familiar with labor provisions in detail yesterday declared the new Section 10, which calls upon labor and exhibitors to "pledge themselves to attempt to mediate" disputes broadens the intent rather than narrows it down. Elsewhere in the code unions are banned from striking and employers are banned from lockouts "pending determination of any disputes as above specified."

Concerns New Deals

What is referred to there concerns disputes on existing contracts. The new Section 10 goes further and concerns negotiations for new deals. As, for example, if exhibitors are paying a certain scale and insist upon a reduction which the union opposes, the "attempt to mediate" provision holds rather than precipitates a condition where either labor or employer may walk out on each other. The inference is any attempt not to mediate would be a violation of the code.

Ohio MPTO Not in Wire Moves—Wood

(*Continued from page 1*)

said his association is not a party to a campaign by wire to influence the President on the code. He said in part:

"I have been directed by a large group of independent theatre owners in Ohio to convey to the President that this plan is not approved by a group for which I speak, nor are we a part to it."

Later on the telegram read:

"We are certain the President and his administration will formulate a code that will be fair to independent theatre owners and to the industry as a whole."

MOTION PICTURE DAILY understands that Administrator Hugh S. Johnson is burnt up over the Allied telegraphic campaign.

"Vickers" Is $93,789 Draw At Music Hall

"Ann Vickers" shoved the RKO Music Hall gross up to $93,789, above the previous week's draw on "My Weakness" by about $5,000.

The other big noise on Broadway was "The Bowery" at the Rivoli which got off to a flying start with $45,000, more than double the second week's take on "Emperor Jones," which preceded it.

With "Stage Mother" on the screen, the Capitol, at $27,877, showed some improvement over the previous week, when Aimee Semple MacPherson kept customers away in large numbers. "Too Much Harmony" was good for $35,800 in its second week at the Paramount.

Estimated takings:

Week Ending Oct. 4:

"BERKELEY SQUARE" (Fox)
GAIETY—(808), 55c-$1.65, 3rd week, 7 days. **Gross:** $9,000.

"WILD BOYS OF THE ROAD" (F.N.)
HOLLYWOOD — (1,545), 25c-85c, 2nd week, 7 days. **Gross:** $8,217.

"ANN VICKERS" (Radio)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $93,789.

"I LOVED A WOMAN" (F.N.)
STRAND—(2,000). 25c-85c, 2nd week, 7 days. **Gross:** $23,520.

Week Ending Oct. 5:

"THE POWER AND THE GLORY" (Fox)
CAMEO—(549), 25c-40c, 7 days. **Gross:** $1,932.

"STAGE MOTHER" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Boswell Sisters, Herb Williams, Edwin C. Hill and others. **Gross:** $27,877.

"THE POWER AND THE GLORY" (Fox)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $13,500.

"TOO MUCH HARMONY" (Para.)
PARAMOUNT—(3,700), 35c-99c, 2nd week, 7 days. Stage: Ethel Merman, Borrah Minevitch and others. **Gross:** $35,800.

"BRIEF MOMENT" (Col.)
ROXY—(6,200), 25c-55c, 7 days. Stage: Gus Van, also 8 acts, Dave Schooler and band. **Gross:** $27,500.

Week Ending Oct. 6:

"S.O.S. ICEBERG" (Univ.)
CRITERION—(850), 55c-$1.65, 2nd week, 7 days. **Gross:** $5,500.

"MOONLIGHT & PRETZELS (Univ.)—4 days

"SECRET OF THE BLUE ROOM" (Univ.)—3 days
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $11,130.

"THUNDER OVER MEXICO" (Principal)
RIALTO—(2,200), 40c-65c, 2nd week, 7 days. **Gross:** $9,500.

Week Ending Oct. 8:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$1.65, 6th week, 7 days. **Gross:** $17.749.

"THE AVENGER" (Monogram)
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $8,000.

Week Ending Oct. 10:

"THE BOWERY" (U.A.)
RIVOLI—(2,200), 40c-85c, 7 days. **Gross:** $45,000.

She's "Curvacious"

Hollywood, Oct. 15.—"Curvacious," the Mae West descriptive adjective coined by Blake MacVeigh of Paramount's publicity department, will be listed in the next edition of Funk and Wagnall's dictionary.

◀ *Behind the Make-Up* ▶

Cliff Hess, song and story writer for Vitaphone, recently had four teeth pulled. He says he is going to have the rest fixed before Mayor O'Brien puts that bridge tax through. He signed another year's contract the other day to write songs for forthcoming Vitaphone musicals.

* * *

Completion of the Arnold Bennett "Great Adventure" production is being held up until Larry Williams and Jack Schultz, who have just left for London, return with better atmospheric shots which are to be used for background scenes than the ones the company originally had.

* * *

Milton Singer, Lee Stewart's assistant at Vitaphone, is a good studio casting man, but at rod and reel casting he's different. He is back on the job now with a foot bandaged and carrying a cane. He claims he had a big fish on the hook and it pulled him off the boat and into the propeller.

* * *

L. W. Davee, former studio manager of the Bronx plant, is now in charge of the main studio of Eastern Service in Astoria. Jack Aichle, who has been casting, assisting director, etc., is now in charge of building and maintenance at Astoria. Arthur Koenig has been made chief property man.

* * *

The drug store across from Vitaphone has been forced to order additional stocks of witch hazel and arnica since the 14 dancing beauties at the studio have taken up bicycling. The girls have been practicing day and night for the past two weeks for a scene in the Molly Picon three-reel musical that Joe Henabery is directing.

* * *

Chester Erskine, the well-known stage producer, a short time ago turned his talents toward production and recently completed one of the first of the pictures to be made in the East in four or five years. The picture is called "Midnight," and will soon be released by a major company. Erskine intends to produce four or five more this season. The old Biograph studios up in the Bronx are being rehabilitated for that purpose.

* * *

John Henry McKee, formerly with Harris & Cohen, William A. Brady, Charles Frohman, the Shuberts and many other stage producers, has just completed direction of "The New Deal in Living," an NRA production. This young fellow has had a busy time of it lately, what with staging the American version of "None So Blind," which is to be released by Helber Pictures, and directing "Ring Problems," a DeFrenes production. Jack is now negotiating with Pinnacle Prod. to direct four of their 1934 output.

ED DAWSON

"Harmony" Is $9,000 Smash Denver Draw

DENVER, Oct. 15.—"Too Much Harmony" took the top spot by giving the Denham double an average gross, $9,000. It was held for an additional three days. This house is still having at least one holdout a day.

"Night Flight" also turned in $8,000, over average for the Denver by $2,000, with steady crowds all week. The Empress became a first run house for a week and had several standouts and repeated full houses to go to $7,500 for the week with "Back to Nature."

Total first run business was $40,400, including the $7,500 at the Empress. Average is $28,500.

Estimated takings for the week ending Oct. 12:

"MY WEAKNESS" (Fox)
ALADDIN—(1,500), 25c-40c, 7 days. **Gross:** $2,800. (Average, $3,000.)

"TOO MUCH HARMONY" (Para.)
DENHAM — (1,500), 25c-30c-40c, 7 days. **Gross:** $9,000. (Average, $4,500.)

"NIGHT FLIGHT" (M-G-M)
DENVER—(2,500), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $6,000.)

"BACK TO NATURE" (Sheffield)
EMPRESS—(2,000), 25c-40c, 7 days. **Gross:** $7,500.

"SOLITAIRE MAN" (M-G-M)
ORPHEUM—(2,600), 25c-35c-55c, 7 days. Stage show. **Gross:** $7,500. (Average, $8,000.)

"DELUGE" (Radio)
PARAMOUNT—(2,600), 25c-40c, 7 days. **Gross:** $3,200. (Average, $3,500.)

"THE BIG BRAIN" (Radio)
TABOR—(2,000), 20c-25c, 7 days. **Gross:** $3,400. (Average, $3,500.)

"Harmony" Is $12,000 Top, Kansas City

KANSAS CITY, Oct. 15.—"Too Much Harmony" was such an outstanding draw, the Newman held it over the weekend and finished the 10 days with $12,000. Swell business was also done by "Turn Back the Clock," which tallied $11,000 at the Midland. "Morning Glory" jumped $1,500 over average for a take of $8,500 at the Mainstreet, while "Dr. Bull," in its second week, went to $3,000, the Uptown moving up its opening day to Saturday.

Total first run business was $34,500. Average is $28,500.

Estimated takings:

Week Ending Oct. 5:

"MORNING GLORY" (Radio)
MAINSTREET—(3,049), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000.)

Week Ending Oct. 6:

"TURN BACK THE CLOCK" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $11,000. (Average, $10,000.)

"DR. BULL" (Fox)
UPTOWN—(2,000), 25c-40c, 6 days, 2nd week. **Gross:** $3,000. (Average, $2,500.)

Week Ending Oct. 8:

"TOO MUCH HARMONY" (Para.)
NEWMAN—(2,000), 25c-40c, 10 days, plus Saturday midnight shows. **Gross:** $12,000. (Average, $9,000.)

"World Changes" Oct. 25

Warners will open "The World Changes," in which Paul Muni is starred, at the Hollywood Oct. 25.

"Penthouse," At $58,000, Chicago High

CHICAGO, Oct. 15.—Some of the Legionnaires here for the big conclave found time to patronize Loop theatres and as a result good takes were hung up in at least two spots. B. & K.'s Chicago had a fine week, the gross being $58,000 with "Penthouse" on the screen and Pat Rooney and Sally Rand heading the stage show. "Penthouse" got a big play in the newspapers and went into the Roosevelt for a second week in the Loop.

The other outstanding spot was the United Artists where "Voltaire" crashed through for a strong $19,000 for its first week. "Lady for a Day" also gave McVickers a healthy $12,000 for its second Loop week following a previous week at the Palace.

Total first run business was $130,800. Average is $120,600.

Estimated takings:

Week Ending Oct. 3:

"THE POWER AND THE GLORY" (Fox)
ORIENTAL—(3,940), 30c-40c-60c, 7 days. **Gross:** $10,000. (Average, $23,000.)

"VOLTAIRE" (Warners)
UNITED ARTISTS—(1,700), 30c-40c,60c, 7 days. **Gross:** $19,000. (Average, $17,000.)

Week Ending Oct. 5:

"PENTHOUSE" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Pat Rooney, Sally Rand, Cherniavsky. **Gross:** $58,000. (Average, $34,600.)

"ONE MAN'S JOURNEY" (Radio)
PALACE — (2,509, 35c-50c-75c, 7 days. Stage: Lou Holtz, June Knight, Lew Follack & Co. **Gross:** $22,000. (Average, $22,000.)

Week Ending Oct 6:

"LADY FOR A DAY" (Col.)
(Second Loop Week)
MCVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $12,000. (Average, $13,000.)

"TURN BACK THE CLOCK" (M-G-M)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Grosss** $9,800. (Average, $11,000.)

Tec-Art Equipment Brings in $25,000

HOLLYWOOD, Oct. 15. — The two-week auction of equipment formerly owned by the bankrupt Tec-Art Studios yielded in the neighborhood of $25,000.

The trustees' original estimate was $17,000 for the entire lot.

Prudential, having taken over the studio, is speeding ahead with plans to prepare the sound stages and offices for immediate production, an announcement to be forthcoming soon.

"A Man's Castle"

(Columbia)

Hollywood, Oct. 15.

This first Screen Guild production for Columbia is a tender, beautiful film in the "Seventh Heaven" mood. It reveals radiant romance amid the squalor of a squatter's colony of unemployed. Spencer Tracy projects a great heart-warming portrait. Loretta Young gives her best performance to date. Frank Borzage's direction hits the heart. It is a fine production and fine entertainment. An extended review will appear in *Motion Picture Daily* later.

VIC SHAPIRO

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Goldsmith Is Renamed Head Of Engineers

Election Marks Opening Of Chicago Session

CHICAGO, Oct. 16.—Dr. Alfred N. Goldsmith was re-elected president of the Society of M. P. Engineers by a margin of one vote over L. A. Jones of Eastman Kodak Co., at the society's convention which opened here today.

Other officers elected are: O. M. Glunt of the Bell Telephone Laboratories, and A. C. Hardy, vice-presidents; J. H. Kurlander, re-elected secretary, and T. E. Shea of Bell Telephone, elected treasurer.

W. B. Rayton of Bausch & Lomb was elected a director and Herbert

(*Continued on page 2*)

Franklin Returns; Will Remain Here

Abandoning his original plan for a three weeks' visit in Hollywood, Harold B. Franklin, who resigned last week as head of RKO theatres, returned yesterday from a week-end vacation undecided on immediate future plans.

"I need a rest," Franklin said yesterday. "I may spend two or three weeks here in New York just cleaning

(*Continued on page 2*)

Newman Forms New Circuit in the West

PORTLAND, Oct. 16.—The Empire Amusement Co. has been incorporated by Frank L. Newman, Sr., Al Rosenberg and Al Finklestein, with headquarters in Spokane, to operate a circuit of subsequent runs.

This is understood to be one of the units which will operate under reorganized plans for Fox theatre units throughout the country. Newman was in New York last week conferring with Spyros Skouras on theatre realignments.

N. Y. Lawyers Buy Fox N. E. 1st Bonds

HARTFORD, Oct. 16.—First mortgage bonds of the Fox New England Theatres, Inc., valued at $3,326,000, were sold at the Fox Capitol Theatre here today by Special Master Thomas J. Stellacy for $650,000. The purchasers were John A. McNaughton and W. B. F. Rogers, attorneys of 15

(*Continued on page 4*)

Theatre War Gets Hotter About Frisco

Low-Priced Houses Fight Top Chargers for Lead

SAN FRANCISCO, Oct. 16.—A battle is raging on the theatre front here. Mobilization of all entertainment forces has been going on during the past few weeks, and it looks like a fight to the finish between the high-priced houses and the low-priced houses.

Among the top chargers here (55 and 65 cents general admission) are the Warfield, Paramount and Golden Gate. Lining up on the other side are Orpheum (40 cents); United Artists (40 cents); Fox (25 cents); Embassy (40 cents), and St. Francis (40 cents).

The Orpheum and Fox, biggest fighters of FWC, have started stage units. The former has F. & M. stage

(*Continued on page 2*)

NIRA Wins in First Wisconsin Decision

MILWAUKEE, Oct. 16.—Labor won a preliminary victory here when Circuit Judge John J. Gregory granted an injunction restraining the Simplex Shoe Manufacturing Co. from interfering with attempts of its employes to unionize. In the first decision in the country bearing on the provisions of the national industrial recovery act, the judge held that the shoe firm had

(*Continued on page 4*)

Most of Cleveland Duals End by Vote

CLEVELAND, Oct. 16.—Double features were reduced to one showing a week starting yesterday by vote of the Cleveland M. P. Exhibitors' Ass'n. Exceptions have been made in two instances. Downtown subsequent run houses will be allowed to continue to play duals. And in the outskirts, subsequents will be permitted to play two

(*Continued on page 4*)

Detroit's Booking Suit Is Postponed

DETROIT, Oct. 16.—Hearing on the suit filed against Mid-States Theatres Corp. by Leon Krim and A. Ruttenberg, which was to have come up today, has been postponed 30 days, the temporary injunction continuing in force meanwhile. A meeting has been called for Wednesday to organize a local M.P.T.O. unit.

No Finish Date

Washington, Oct. 16.—"How soon in your opinion will the code be in the President's hands for signature," Deputy NRA Administrator Sol. A. Rosenblatt was asked today.

"I have no idea," was his four-word reply.

Allied Calls For Chicago Code Meeting

WASHINGTON, Oct. 16.—Allied today issued a call for a general mass meeting of its members at the Congress Hotel in Chicago for Oct. 24, because its leaders "feel the gravity of the situation requires they present to independent theatre owners and other interested persons full details as to the procedure followed by Deputy NRA Administrator Sol A. Rosenblatt in preparing a code."

The statement read further:

"It was the consensus of opinion that while leaders who have been attending the conferences were fully

(*Continued on page 4*)

Coast Actors Wire President on Code

HOLLYWOOD, Oct. 16.—Charges that any attempt to control actors' salaries would be contrary to the spirit of the NRA were made at a meeting of 1,500 actors at the El Capitan Sunday night.

After a series of speeches by Eddie Cantor, who presided, and John Howard Lawson, Ralph Block, Fredric

(*Continued on page 4*)

Hearing on Indies' Analysis Expected

A hearing in Washington on the independent group's code analysis will be held either late today or some time tomorrow, W. Ray Johnston, president of Monogram, stated yesterday.

Johnston said that the independents who returned to New York

(*Continued on page 4*)

Warner Reports NRA Pay Up by $505,500

HOLLYWOOD, Oct. 16.—Jack L. Warner, chairman of the NRA, reports a $505,500.75 total payroll increase in

(*Continued on page 4*)

Pending Code Points Prove Troublesome

Many Changes Coming, Rosenblatt Says

By RED KANN

WASHINGTON, Oct. 16.—While the code in its second revised form may be 85 per cent set as Deputy NRA Administrator Sol A. Rosenblatt declared last Tuesday, the final 15 per cent is proving troublesome, but a revised draft may be ready Tuesday.

Today the deputy acknowledged that many changes were impending, "some of them important," and for that reason he refused to predict when the third and what is expected to be the final draft would be ready.

Pressed for light on what source was insisting upon revisions, Rosenblatt merely replied: "Perhaps some on my part." The code in its present form lacks completion principally because of the delicate task of setting down the intent of various clauses in phraseology containing the points insisted upon by protesting groups. Semi and actually legal language used in many instances has resulted

(*Continued on page 4*)

Code Violation to Go to Trade Body

WASHINGTON, Oct. 16.—Violations under the Code are heading for study and clearance through the Federal Trade Commission under the Admintration's plans. This is in keeping with the commission's present scope.

The plan, as discussed here, would provide that violations are to be turned over to the Department of Justice for action, since the commission has no enforcement powers.

Courts Open

Washington, Oct. 16.—Nothing in the NIRA will prevent a disgruntled individual from suing through the courts, it became known today. Deputy NRA Administrator Sol. A. Rosenblatt so stated when he was asked what would be the procedure if an individual refused to abide by a decision of the code authority.

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WE DO OUR PART

Franklin Returns; Will Remain Here

(*Continued from page* 1)

up my affairs at RKO and resting. If it were earlier in the season, I'd like to take a long vacation in Europe. I'll probably decide during the week and may go out to the west coast for a while, after all."

Franklin's resignation was effective Sunday and no successor has been named in the interim by M. H. Aylesworth, RKO president. Meanwhile, Phil Reisman, assistant to Franklin, is taking over some of the latter's duties under the direction of Aylesworth and J. R. McDonough, Aylesworth's assistant.

Franklin reiterated yesterday that he was leaving RKO "with the best of feelings for the company and everyone in it." He said he expected to open Radio City offices "in about three weeks" and would begin to make plans for his projected production venture at that time.

"I have no production associates yet," Franklin said, "and haven't even approached anyone in connection with my plans."

He said he favored the east as a center for his production activities.

Big Sign for O'Brien

What is asserted to be "one of the largest signs ever used in a political campaign" is being erected by the Democratic Theatrical Division on the front of the Criterion Theatre here. A feature of the display will be a 14-foot portrait of Mayor O'Brien. A speakers' platform will be at the base of the sign.

Wynn to Visit President

HOLLYWOOD, Oct. 16.—Ed Wynn leaves for Washington Wednesday to visit President Roosevelt.

Goldsmith Is Renamed Head Of Engineers

(*Continued from page* 1)

Griffin of International Projector Corp. was re-elected to the board.

Almost 100 members were registered here by noon with the expectation that the meeting will attract twice that number.

Donald Bean of the University of Chicago, addressing the luncheon session, stressed the educational value of films and took issue with the code attempts to bar historical pictures from showing outside of theatres.

Goldsmith, in his address later, said he saw no threat to theatres from educational picture competition. Proposed changes in the constitution and by-laws occupied the afternoon session and the creation of five new executive vice-president posts to assist the president was still being debated as the meeting closed tonight.

U. A. Appoints Two To Foreign Offices

Two new appointments have been made by United Artists in its program of foreign expansion. Williard G. Triest of the foreign department here has been named district manager for the company in the Scandinavian countries, the Baltic States and Germany. He will sail for his new post on Oct. 20 aboard the *Paris* and will make his headquarters in Stockholm.

Lester Sussman has been appointed manager of United Artists' new office in San Juan, Porto Rico. He sails from New York the latter part of the month.

Landow Philly Board Head

PHILADELPHIA, Oct. 16.—Michael Landow of Universal has been elected president of the Film Board of Trade here. Robert Mochrie is vice-president and Jack Greenberg remains as secretary.

Theatre War Gets Hotter About Frisco

(*Continued from page* 1)

shows and the Rube Wolf band; in the latter is the Ted Fio-Rito band and a girl lineup. With prices way down, these houses are stealing quite a bit from the top-chargers, who, several months ago, had a tight hold on the first run situation.

Now the United Artists comes in with the new 20th Century product and the standard U. A. output at 40 cents top. "The Bowery," now in, has been packing them in. In the meantime, FWC's own houses, the Embassy and St. Francis, are taking away some of the trade from the two bigger spots, the Warfield and Paramount. Another FWC house, the El Capitan, is humming along nicely in the town's largest district, the Mission, and keeping a lot of customers in their own neighborhood.

Last week there were 11 big house vying for grosses here. That means tremendous overseating.

Blumenstock Given Dave Weshner Post

Mort Blumenstock, who has been handling Warner theatre advertising and publicity in the east, has been named successor to Dave Weshner, who last week was appointed manager of the company's theatres in Wisconsin, with headquarters in Milwaukee.

Herschel Stuart in N. Y.

Herschel Stuart, whose special assignment directing Paramount Publix theatre operations in Detroit was culminated late last week with the closing of the 10-months management deal for the houses between the Paramount trustees and George W. Trendle, former Detroit theatre operator, will be assigned to home office work for the time being, S. A. Lynch, director of Paramount theatre reorganization, said yesterday.

Market Falls Off Heavily

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22⅞	21⅜	21⅜	—1⅞	200
Consolidated Film Industries	3⅜	3⅛	3⅛	— ⅛	200
Consolidated Film Industries, pfd	9½	9⅛	9⅛	—1⅛	200
Eastman Kodak	76½	73	73	— 3	700
Fox Film "A"	14½	14	14⅛	—1⅛	200
Loew's, Inc.	30¾	28	28½	—3	3,500
Loew's, Inc., pfd	69⅞	69⅞	69⅞	—3⅛	100
Paramount Publix	1½	1⅜	1⅜	— ⅛	1,300
Pathe Exchange	1⅜	1¼	1¼	+ ¼	700
Pathe Exchange "A"	7⅞	7½	7⅝	— ⅜	600
RKO	2⅝	2½	2½	— ⅛	1,200
Warner Bros.	7½	6¼	6¾	— ⅝	12,700
Warner Bros., pfd	21	21	21	—2	100

Technicolor Loses One and a Half

	High	Low	Close	Net Change	Sales
Sentry Safety Control	¼	¼	¼	.....	100
Technicolor	10½	8⅝	9	—1½	2,100

Pathe Rises Two Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5⅜	5⅛	5⅛	— ⅜	25
General Theatre Equipment 6s '40, ctf	4¼	4⅛	4⅛	.....	28
Keith B. F. 6s '46	45¼	45	45	—1	3
Paramount Broadway 5½s '51	31¼	31	31	.....	5
Paramount F. L. 6s '47	31⅛	31⅛	31⅛	— ⅞	2
Paramount Publix 5½s '50	33	31¾	31¾	—1⅝	20
Pathe 7s '47, ww	82	82	82	+2	1
Warner Bros. 6s '39, wd	46	44	44	—2	40

Purely Personal

MONROE GREENTHAL, exploitation manager for United Artists, is in Boston to arrange for the opening at Loew's State there of "Broadway Thru a Keyhole" on Friday.

HERMAN ZOHBEL, treasurer, and WILLIAM CLARK, assistant treasurer of Radio, are in Hollywood to confer with B. B. KAHANE.

KARL KRUG of the United Artists publicity department, is back from a week-end spent with his folks in Pittsburgh.

MARION NIXON and VALENTINE MANDELSTAMM, scenarist, arrive in New York from abroad today aboard the *Paris*.

WILLIAM O'NEAL, radio and musical comedy star, will be the Roxy headliner on the stage starting Friday.

TED LEWIS and his orchestra will be Capitol headliners on the stage starting Friday.

NORMAN MORAY is in Cleveland for a few days on Vitaphone business.

Cohn Is Endorsed in Stand on Blue Laws

Receipt of messages from all over the country endorsing his stand against blue law enforcement was reported yesterday by Jack Cohn, vice-president of Columbia, upon his return to the city from the code conferences in Washington. The producer had declared against blue law legislation in a recent statement on the ground that it cut down sales and employment.

"Wherever public sentiment permits Sunday baseball, golf, etc., which create little or no employment, all theatres, restaurants and similar activities requiring paid forces should be opened," Cohn declared. "Two purposes are served, accommodation of a public eager for harmless recreation, and extra employment for the men and women required to serve it.

"At a time like this the liberalization of restrictive blue laws should extend to drug, cigar and confectionery stores, the sale of foods, etc., everything within reason to create demand and put people to work catering to those in the enjoyment of increasing leisure."

Warner Club to Dine

Warners Baseball Club will have its first "get-together" party on Nov. 25 at the Belvedere Tavern in Brooklyn. It will be a beefsteak dinner and cabaret night. Sam Mareno, assistant cameraman at Vitaphone Studio, is in charge and he has arranged to have a number of stage and screen stars attend.

Hy Daab to Warners

Hy Daab, former advertising and publicity director for Radio Pictures, yesterday was appointed assistant to Stanley Shuford on the Warner advertising staff by S. Charles Einfeld.

Universal's New Deal!

DUBINSKY BROS. THEATRES

Edward Dubinsky, General Manager,

Operating 16 theatres in St. Joseph, Mo., Leavenworth, Kan., Jefferson City, Mo., Kansas City, Mo. and Fulton, Mo., signs for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

•

***Thanks,* Mr. Dubinsky and associates, for your confidence in Universal Pictures. We will do our part.**

Pending Code Points Prove Troublesome

(*Continued from page* 1)

in almost as many interpretations as there have been interpreters.

This has led to additionally conflicting viewpoints and brought sharply into the open the need for clarification sufficiently simplified to satisfy all elements, which obviously is what Rosenblatt is endeavoring to do. The result of all this prompted the deputy's statement that the third draft may not bear a close resemblance to the second.

May Drop Big Fines

Indicative of the state of flux of the code is the fact that the new clause applying cash penalties up to $10,000 generally on those employers who encourage executive-director-star salaries which are unreasonable, however such salaries may be defined, may not be included in the final code after all, Rosenblatt declaring that no final decision has been made yet either way.

Asked what clauses remain to be cleared up, Rosenblatt replied: "We are still clearing them up. A lot were cleared up today."

What they were, however, the deputy refused to say.

Reports that the revised code might make some specific mention of double features were routed out when, in response to a question, Rosenblatt replied: "I do not expect so."

A number of other points having to do with the practical use of the code were clarified as well. For instance, Rosenblatt was asked who would determine an issue in the case of a deadlock on the code authority. In reply he ventured the opinion that such cases would be settled "by the NRA."

Denied by Rosenblatt previously, but continuing to circulate on the inside nevertheless are the reports that the legal division of the NRA is dubious about some current code clauses.

Asked about this again today, Rosenblatt replied that "all points raised are being answered"; thereby confirming, at least by inference, that some doubts must have existed.

Ends Doubts on Boards

Doubt over the operations of the grievance and clearance boards was also removed. Exhibitors have been inquiring how long these boards are to remain in office. Rosenblatt stated he hoped they would continue to function as long as the code was effective. The only thing that could have a bearing on the permanency of whatever original personnel is to be named, therefore, would be the transfer of a distributor member to a new territory by his company, unless the code authority should find reason to remove any given number of the board's personnel.

In exhibitor minds, as well, is a lack of information on how clearance schedules are to be setup. A case in point has been cited locally. Baltimore, with a population of over 1,000,000, is the largest city of its size in the country without exchanges. The city is served from Washington.

"Would Washington zone Baltimore and if so how could Washington exhibitors be expected to know Baltimore's problems?" is the query summarizing this point.

Rosenblatt explained there will be one board for each territory. Exhibitors in such a zone are expected to come forward with their ideas and complaints and "insist on righting wrongs."

Acting on an exhibitor's request, MOTION PICTURE DAILY asked Rosenblatt if the code was "pulling any punches" on grievance board duties and if restrictions of any kind were planned for them. Rosenblatt replied that if such an idea existed it was erroneous, because it was not intended to place any limiting powers upon them.

Interesting too was his answer to the question whether the clause providing cash penalties had been ordered, suggested or recommendad by the President. The answer was that it had not. He also said he had received no protests from coast players, directors and executives on this clause, but did not preclude the possibility that such protests may have gone directly to the President, as newspaper accounts from the west this afternoon declared. In that event the probability is that such messages eventually will reach the deputy administrator from the White House sans comment, but as communications which he should see since they bear on the code, which he is charged with handling.

Binding Exhibitor Groups

How exhibitor organizations are to be bound by the code also developed from the questioning. The point was raised what would happen if the members of any theatre organization, whether, because they might be dissatisfied with the code or for other reasons, repudiated the delegate who had represented them. Rosenblatt replied that exhibitors in that classification would not be bound unless their delegate had been properly cloaked with power of attorney. If the delegate had been, his signature then would prove binding.

Code supervision will rest with grievance and clearance boards and it will be obligatory upon them to see the code is enforced. There is no plan to appoint sub-deputies for any purpose like this, and the idea is something Rosenblatt declared he had not heard.

No more groups or companies have signed actually or in escrow, it also developed. Rosenblatt expects to continue as deputy "long enough to see that any wrongs are righted" was the rejoinder to a question along those lines.

Rosenblatt Answers Moral Tone Queries

WASHINGTON, Oct. 16.—Reputedly protesting that the proposed code did not adequately provide for a moral tone in films, Grace Abbott of the Children's Bureau of the Labor Department, today saw Deputy NRA Administrator Sol A. Rosenblatt.

Rosenblatt refused to comment aside from stating Miss Abbott sought "enlightenment" and got it.

Technicians Protest

HOLLYWOOD, Oct. 16.—Three sections of the Technicians' Branch of the Academy of M. P. Arts and Sciences, assistant directors, art directors and film editors are protesting to Washington because the code ignores overtime for workers getting more than $70 per week.

Coast Actors Wire President on Code

(*Continued from page* 1)

March, Oliver H. P. Garrett, Lucille Gleason and Morgan Wallace, a telegram was sent to President Roosevelt in which it was said: "The latest amendment to the code makes plain speaking necessary." In the telegram it was charged that salary facts had been misrepresented to the Administration.

A statement by one of the speakers was to the effect that if the code goes through in its present form talent would be forced to let producers write and direct their own pictures.

Much verbal fire was directed at the $10,000 fine for producers in the revised form of what was Article 10. The speakers were apparently under the impression that this gives the code authority power to fix maximum salaries and fine producers who fail to keep within the maximum.

HOLLYWOOD, Oct. 16.—Elated over the personal answers to a wire dispatched to President Roosevelt last night, both Eddie Cantor and John Howard Lawson received the following telegraphic message this morning:

"Your telegraphic representation received and referred personally by the President to Administrator Hugh S. Johnson for his careful consideration and action." It was signed Stephen Early.

Hearing on Indies' Analysis Expected

(*Continued from page* 1)

from Washington over the week-end expected to be notified of the hearing time by noon today and would leave for Washington immediately thereafter. Jacob Schechter, counsel for the Federation of the M. P. Industry, is due back in Washington this morning from a week-end business trip to Kentucky. In addition to Johnston, Edward Golden, Monogram sales manager, and Harry H. Thomas, president of First Division Pictures, will return to Washington for the hearing on the code analysis before Deputy NRA Administrator Sol A. Rosenblatt, as will other members of the independent group who recessed to New York over the week-end.

Johnston said yesterday the group would "stand on the principles of the code analysis and did not look for any hasty or arbitrary action on the part of the administration."

Warner Reports NRA Pay Up by $505,500

(*Continued from page* 1)

studios as of Sept. 1 over June 1 of this year, additional employment having been created under the President's re-employment plan.

More extras were employed during September than in any similar period since the advent of talking pictures with figures breaking a record of seven and one half years standing. September placements amounted to 39,762.

In line with the NRA movements, studios were declared to be using the required number of persons in all scenes calling for extra talent, according to Warner.

Allied Calls For Chicago Code Meeting

(*Continued from page* 1)

authorized to sign a code in harmony with proposals advocated by their respective organizations, they gave none of them authority to act on the document presented by Mr. Rosenblatt. It is important, therefore, that the rank and file be consulted and their wishes ascertained as to a course to be pursued in the future."

Unconfirmed reports had it today that a test case was planned, but Abram F. Myers refused to comment. Independents identified with the insurgent move are scheduled to meet in Washington again on Tuesday, the purpose being to be on the ground while the code is still being formulated.

The analysis as highlighted in MOTION PICTURE DAILY on Monday has been sent to the attorney general and members of the five NRA boards, which must approve the code before the text goes to General Hugh S. Johnson and the President.

Rosenblatt declined to comment on the analysis submitted Saturday.

NIRA Wins in First Wisconsin Decision

(*Continued from page* 1)

violated Section 7-A, the so-called labor provision of the NRA, by refusing to deal with vice-president and organizer for the International Boot & Shoe Workers' Union.

In taking jurisdiction in the case, Judge Gregory held that President Roosevelt's blanket code, which was signed by the shoe company, was a contract for the benefit of a third party, in this case the employes of the shoe company. The Simplex company will appeal the case to the Wisconsin supreme court.

Most of Cleveland Duals End by Vote

(*Continued from page* 1)

features at the Saturday matinee performance provided it does not extend later than 6 P.M. The general rule adopted for duals by the exhibitors' association stated the one day for double feature programs shall not be any Saturday or Sunday.

N. Y. Lawyers Buy Fox N. E. 1st Bonds

(*Continued from page* 1)

Broad Street, New York City. The bonds were ordered sold by Judge Edwin S. Thomas in Federal Court here last month.

On Friday Stellacy will offer for sale the Fox New England Theatres property in Connecticut at the Capitol Theatre. Later in the day the Fox New England property in Massachusetts will be sold at the Poli Theatre in Springfield. Sales are by option.

When McNaughton was reached by MOTION PICTURE DAILY at his home at midnight last night he refused to reveal whom he represented, but said he had purchased the bonds as part of a reorganization plan now under way.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Code on Last Stretch; 3rd Draft Looks Final

Views Vary on Maximums

Washington, Oct. 17.—"I do not believe under this act that it is legal to fix maximum salaries," declared Administrator Hugh S. Johnson at a press interview today. He was referring, of course, to the NRA.

Whether or not the cash penalty clause for encouraging unreasonable salaries will remain in the final code, although it is in the third revision, remains to be seen. Johnson thinks it is "incompatible with the law." The NRA legal division can't agree either and already has handed down several varying opinions, the General said.

Shifts Agency Control— Many More Points Clarified

By RED KANN

WASHINGTON, Oct. 17.—The industry will have a code ahead of the expectations of many of those who participated in formulating it, for today the final stretch was entered upon when a third revision came out of the overworked NRA mimeograph room on its way to members of the Recovery Administration's advisory boards, then to General Hugh S. Johnson, who knows pretty much step by step what has been going on, and finally the President.

The third draft, it is a dead certainty, will undergo few changes. As a matter of fact, Deputy Administrator Sol A. Rosenblatt contemplates issuing no more even if various of the NRA advisory boards insist that revisions are necessary. In the event that happens, the changes will go to Johnson plus the code in its present form, which is close to the finish line.

The next immediate step in carrying the document through its successive

(*Continued on page* 4)

New Company To Take Over Poli Circuit

Halsey, Stuart in Move For Reorganization

Following the public auction of Fox-New England Theatres assets in Hartford and Springfield on Friday a new corporation shortly will take over operation of the former Poli houses. S. Z. Poli and Halsey, Stuart & Co. will be in control.

John A. McNaughton and W. B. F. Rogers, New York attorneys, were acting for Halsey, Stuart & Co. on Monday when they purchased for $650,000 a block of first mortgage bonds with a face value of $3,326,000 at a sale held by Special Master

(*Continued on page* 5)

File Receiver Suit Vs Midland, K. C.

KANSAS CITY, Mo., Oct. 17.—A suit in equity was filed in Circuit Court here today seeking an accounting of profits and a temporary receiver for the Midland Investment Co., which owns Loew's Midland and the adjacent Midland office building. The plaintiffs are Herbert M. Woolf, M. B. Shanberg and F. H. Reid, all of this city, owners of half interest in

(*Continued on page* 5)

Sound Improvement Hailed by S. M. P. E.

CHICAGO, Oct. 17.—Erpi's Wide Range and RCA-Victor's High Fidelity sound mark another epoch for the industry, declared Dr. Alfred N. Goldsmith at the second day's session of the Society of M. P. Engineers' convention here today.

"Despite the depression, this development has been seized upon by theatres and is introducing greater programs," declared Dr. Goldsmith. "It

(*Continued on page* 5)

No Reorganization Date Fixed—Zukor

No estimate can be made yet of the time required to complete the reorganization of Paramount Publix and bring about the discharge of the company's bankruptcy, Adolph Zukor

(*Continued on page* 5)

Pickup Holds Steady Gains In K. C. Area

KANSAS CITY, Oct. 17.—Business improvement which first became evident several weeks ago is maintaining a steady pace in the Kansas-Missouri territory. The upsurge is concretely reflected at box-offices of first runs here, where weekly grosses have increased from 70 to 100 per cent over the low point of last summer.

The gloom which held suburban exhibitors for three years is giving way to an assured optimism. Profits

(*Continued on page* 5)

Agents' Issue Is Hollywood Job Via Code

WASHINGTON, Oct. 17.—Hollywood, which has been complaining about unethical agents, today got the right to handle them on home grounds through code authorization for the appointment of an agency committee of 10, made up of production factors. This removes any direct check on agents by code authority itself, as provided in the second NRA code draft, and marks one of the most significant revisions between that and

(*Continued on page* 4)

Zukor Asserts Theatres Are Help for Producers

The obligation of large producers to protect investments in their corporate owned and affiliated theatres by delivering to them a consistent supply of good pictures throughout the recent years of business depression saved the world motion picture industry from collapse during 1932, Adolph Zukor, Paramount Publix president and head of its active operating subsidiaries, told MOTION PICTURE DAILY yesterday in reaffirming his belief in both the advisability and the necessity for circuit theatre ownership by large producers.

Unhesitatingly declaring his conviction that theatres are a necessary adjunct of large production organizations, at least "as the industry is now constituted," Zukor said that had producers been free of theatre ownership in the few years past they would have been free, likewise, of the obligation of delivering the best pictures of which their facilities were capable. In the circumstances that existed from 1929 through last year, Zukor said, producers consequently would have limited production activity to only sufficient pictures to keep studios open, and those pictures would have been of indifferent quality, he intimated.

The necessity for protecting the huge investments in theatre empires, however, resulted not only in the efforts of major producers to maintain a steady flow of good product from studio to affiliated theatre but also in keeping the film market open and vir-

(*Continued on page* 5)

Mrs. Bryant Given Assurance on Code

Chorus Equity Ass'n. has been assured by Deputy NRA Administrator Sol A. Rosenblatt that a clause will be added to the code giving the code authority power to fix penalties for theatre operators who transact business with an independent contractor of

(*Continued on page* 4)

It's "Separable"

Washington, Oct. 17.—Under miscellaneous provisions in the third code draft appears this:

"Part 4.—The provisions of this code shall be separable."

This is what is known as a "saving clause," current in much legislation, and is designed to protect a law — or in this case, the code — in the event one section, provision or clause may be adjudged unconstitutional at some future date should a test case be instituted.

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NRA MEMBER U.S. WE DO OUR PART

Merideth Recovering

SHREVEPORT, La., Oct. 17.—Jack Merideth, manager for Saenger interests here, is recovering from an attack of pneumonia. Merideth, formerly advertising and publicity director for the old Saenger circuit, held a similar position with Publix after the merger. When Saenger took over again, he came south and was put into Shreveport as a manager.

Studio Party Planned

"Bud" Pollard Productions, Inc., will have a formal opening of the studios at Grantwood, near Fort Lee, on Saturday with a number of Broadway personalities present. Art Kahn, Paul Sabin and Tommy Sabin and their orchestras will furnish music. Chamberlain Brown and Johnny Walker will be among the guests of honor.

Fairbanks Film in Dec.

A print of the first film to be made by Douglas Fairbanks, Jr., abroad, "Symphony in Purple," to be released by United Artists, is expected to arrive in New York by the middle of December.

Bertell on His Own

Jack Bertell, picture, radio and theatrical agent, has severed his connections with Lyons and Lyons and is now located in his own headquarters at the Paramount Building.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Looking 'Em Over

"Before Dawn"

(RKO-Radio)

This title fails to properly identify the picture as the mystery "thriller" it is, but those unwittingly lured into the theatre by it are not likely to be disappointed. Story, cast and action make a good picture of its kind; offering suspense, thrills, romance and the lighter touches of Stuart Erwin's sleuthing and wooing for a good measure of entertainment.

A fugitive gangster who has secreted one million dollars in stolen gold in the home occupied by his wife and housekeeper in America, dies in a Vienna hospital after communicating his secret to his attending physician, played by Warner Oland. The latter comes to America in search of the loot. The gangster's wife dies mysteriously shortly after while preparing to make away with the gold upon learning that her husband is dead.

Dorothy Wilson, as a clairvoyant, and her father, played by Dudley Digges, who have been arrested by Stuart Erwin in a round-up of fakirs, are given a chance to win their freedom from police custody by proving the girl's authenticity as a medium through solving the mystery of the death of the gangster's wife. In the ensuing events Digges and the old housekeeper are also murdered in the race for the hidden gold; Oland, the culprit, is apprehended, largely through Miss Wilson's spiritualistic gifts, and she shares the reward for the recovery of the loot with Erwin, who, in addition, wins the girl for his bride.

The story moves quickly once the stage for action has been set. Considerable suspense is created by Oland in a sinister performance as the scheming doctor who stops at nothing to gain the loot. Erwin's performance as the detective is on the light side as is that, for the most part, of Digges as the girl's avaricious father, almost equally as eager as Oland to discover the hiding place of the gold.

"Life in the Raw"

(Fox)

Photographed beautifully among the snow-capped hills of the west and with enough action to keep the western fans more than satisfied, this melodrama with George O'Brien in the leading role is entertainment plus for those who go in for this kind of picture. Romance, robberies, gun fighting and hard riding are interspersed evenly so that there is not too much of any at one time.

Claire Trevor, on her way to visit her brother in a small western town, is picked up at the station by Warner Richmond. He leaves her in the open country on the way to the ranch for resisting him. O'Brien comes to the rescue and takes her to her brother's cabin. After O'Brien leaves, the heroine learns that her brother is mixed up with an express office holdup. He is being goaded by Richmond, who always manages to keep in the background.

Both Miss Trevor and her brother leave town. O'Brien meets the heroine and while he is with her the sheriff nabs him as the thief. He escapes and lands in a nearby town where he is almost arrested again, but this time the heroin'e brother helps him to escape. The brother confesses and then O'Brien decides to get the leader of the gang. In a nicely arranged meeting, O'Brien, with the aid of the sheriff and his deputies, corrals the whole string of outlaws. The brother gets probation and O'Brien and the heroine get life—together. Greta Nissen and Francis Ford have feature roles, the former as a cafe dancer and the latter as the sheriff.

A neighborhood audience reaction was favorable.

(Continued on page 8)

Loew Gains One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	21¾	20½	21¾	+ ⅜	700
Consolidated Film Industries	3¼	3	3	— ⅛	300
Consolidated Film Industries, pfd	9¼	8¾	9⅛	.....	1,100
Eastman Kodak	73¾	72	73¼	+ ¼	2,000
Fox Film "A"	14½	13¼	14½	+ ⅜	500
Loew's, Inc.	30	27	29½	+1	4,800
Loew's, Inc., pfd	66	66	66	—3⅞	100
Paramount Publix	1½	1⅜	1½	+ ⅛	3,100
Pathe Exchange	1¼	1⅛	1¼	.....	900
Pathe Exchange "A"	9	7⅞	9	+1⅜	300
RKO	2⅜	2½	2½	.....	3,500
Warner Bros.	7⅛	6⅜	7⅛	+ ⅜	16,500
Warner Bros., pfd	20⅛	20	20⅛	— ⅞	300

Technicolor Up Two and Eighth

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	⅜	¼	¼	— ⅛	600
Technicolor	11	9¾	10⅞	+2⅛	2,500
Trans Lux	1¾	1¾	1¾	+ ⅛	100

Most Issues Off Slightly

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5¾	5⅛	5⅛	.....	15
General Theatre Equipment 6s '40, ctf	4½	4¼	4½	+ ⅜	15
Keith B. F. 6s '46	45	44⅝	44⅝	— ⅜	18
Loew's 6s '41, ww deb rights	84⅞	84¾	84¾	— ¼	4
Paramount Broadway 5½s '51	31	31	31	.....	3
Paramount F. L. 6s '47	30½	30½	30½	— ⅝	10
Paramount Publix 5½s '50	30½	30½	30½	.....	5
Pathe 7s '37, ww	82	82	82	.....	1
Warner Bros. 6s '39, wd	43¼	42	43¼	— ¼	48

Purely Personal

LESTER COWAN, executive secretary of the Academy of M. P. Arts and Sciences, who has been in town the last few days from code conferences in Washington, plans to leave for the coast today.

MARCEL MEKELBURG, head of the Century Film Corp. of Boston, is in New York conferring with CHARLES L. GLETT, vice-president of Monarch. He returns to Boston the end of the week.

SERGE FLASH, FRITZ and JEAN HUBERT and the BRUCE JOHNSON FOUR will be featured in the stage show which WILLIAM O'NEAL will headline at the Roxy Friday.

JAMES F. DAILEY, president of the Typhoon Air Conditioning Co., has left for a cruise in southern waters. He plans to rest at Kingston and Panama.

J. MAXWELL JOICE, who had charge of publicity for the amusement section at the World's Fair in Chicago, is back to resume exploitation work here.

GRADWELL SEARS, in charge of southern and western distribution for Warners, is back in town from a midwestern trip.

MARIE PREVOST checked in at the Warwick from the coast yesterday.

Two Warner Deals Set

Gradwell Sears, southern and western sales manager for Warners, has just closed a 100 per cent Warner-First National product deal with the Minnesota Amusement Co. for 80 houses. A. W. Smith, eastern sales manager, reports another deal for the 1933-34 list with Mullen and Pinansky for 83 houses in 56 New England situations.

"Oliver" for 30 Nations

Houses in 30 countries have contracted for Monogram's "Oliver Twist," through Ritchey Export Corp. Deals are on in 10 other countries. The feature has been dubbed in French and Spanish with a German version to come.

Miss Wieck in "Fane"

HOLLYWOOD, Oct. 17.—Dorothea Wieck has finally been assigned the leading feminine role in "Miss Fane's Baby Is Stolen," scheduled to go into work immediately at Paramount. Balance of the cast has not yet been assigned.

Sells 15 Royer Films

The entire line-up of Fanchon Royer for 1933-34, consisting of 15 pictures, has been sold by J. H. Hoffberg Co. for England through Interworld Films, Ltd., the firm's London affiliate.

Baxter's Uncle Passes

COLUMBUS, Oct. 17.—Clarence E. Baxter, 63, resident manager of the Norwich Hotel, died here. He was an uncle of Warner Baxter.

Here's to Exploitation!

A gold mine of angles in this glamorous production. Adolphe Menjou and Benita Hume as the best-dressed pair in Paris... flinging open the door to a dozen sure-fire angles...*now* when clothes are the topic of the day. See the press book for stunts that will make your showman's heart beat faster.

The WORST WOMAN in PARIS?

BENITA HUME
ADOLPHE MENJOU

Harvey Stephens **Helen Chandler**

Written and Directed by Monta Bell

Jesse L. Lasky Production

WHAT A WOMAN'S PICTURE!

Peggy's affaires were the toast of Paris . . . the talk of Europe. Men desired her... envious women slandered. While . . . within her heart . . . she locked the secret that would have silenced lying tongues.

JOIN THE UPSWING WITH **FOX**

Code Now Riding on Last Stretch

Third Draft Of the Code Looks Final

(*Continued from page* 1)

steps to the White House is up to the boards. At two o'clock this morning one of the first copies of the third draft went by air mail to Edward N. Hurley of the Labor Advisory Board who is in Chicago, ill. His indisposition may occasion some delay, although this is dubious. Presaging quick action from these five separate NRA agencies is the fact that an intermediate report of the research and planning board already is in Rosenblatt's hands.

Draft No. 3 varied little from its predecessor, although many changes in phraseology, all for the sake of clarification, are included. In addition, several clauses, notably former Articles 9 and 10 but now Parts 4 and 5 of the producers' section as well as that portion of the code dealing with personnel of grievance and zoning boards, highlighted the new portions.

An agency committee in place of code authority is proposed to control the "bad boys." The elimination of one little word makes considerable difference where grievance and clearance and zoning boards are involved. Where Draft No. 2 designated the second distributor must be "national," the restrictive adjective has been eliminated, thus empowering state right distributors to sit, in the event that code authority so designates them.

Article 10 Much Changed

One of the nightmares of the major producers' sessions—former Article 10—has undergone much change—modified considerably," states Rosenblatt—and gives the producer to whom talent is under contract three days to meet a competitive offer instead of a "reasonable opportunity," as stipulated in the second draft. The effect of this will be to make talent whose contracts expire available to producers faster and, it is believed, do away with the charge that efforts might be made to keep players from competing studios by exercise of the three and six month clause which is included in the second draft, but without definite limitation of the period during which new contracts are either to be signed or rejected.

Independent producers and distributors are scheduled to hold a meeting with Rosenblatt on Thursday. In view of the progress of the code toward completion, only the most unusual and the strongest of arguments will persuade the deputy to make further revisions, it is understood.

Brandt Discusses Code

Code discussions during the last week in Washington were the main topic which Harry Brandt, president of the I.T.O.A., dwelt on at the regular meeting of the organization yesterday at the Astor. About 25 members attended.

Can Order Fair Practices

Washington, Oct. 17.—The administrator — meaning General Johnson wherever his name appears in the code — is authorized to go beyond the defined intent of various clauses in the third NRA draft and order fair practices and harmony to prevail in Hollywood and among its integral parts.

Part 4 (A), producers' section takes care of that. It's new in the code and provides:

"Should the administrator determine at any time upon a fair showing, after notice, that a set of fair practises should be adopted governing relations between producers and any one of the following classes: writers, directors, technicians, actors and agents, a special committee shall be appointed for that purpose. The producer and the class interested in such fair practices in each instance shall be entitled to equal representation on such committees."

Board Personnel Is Again Cleared Up; Balance Better

WASHINGTON, Oct. 17.—Those who are prone to draw the line sharply between independents and majors will find considerable satisfaction in the second clarification of the personnel of grievance as well as clearance and zoning boards.

It was only a few days ago that Deputy Administrator Rosenblatt provided a greater balance of power on clearance boards by ruling that the exhibitor equation, below the first runs, was to be made up of "two representatives of subsequent run unaffiliated theatres." The word "national" today was removed from the distributor equation, opening the door to possibility of selection of an independent exchangeman to serve with the other distributor who is to have theatre affiliations.

Similarly on grievance boards, the second distributor member now is designated merely as "a distributor without circuit theatre affiliations," thereby leaving the door open to appointment of an independent, provided code authority so decides. The other distributor is to be affiliated.

In no code form heretofore was Part 3 of Article V which seeks to establish the type of men to serve. Reads the text:

"All members appointed to serve on respective clearance and zoning boards and local grievance boards shall be persons of good repute and of good standing in the industry, and shall upon acceptance of appointment subscribe and file with the administrator an oath to fairly and impartially determine whatever issue is presented to the board to which such member has been appointed. No such board shall contain in its membership more than one representative of any distributor or exhibitor."

Mrs. Bryant Given Assurance on Code

(*Continued from page* 1)

stage units who does not conform to code requirements, Mrs. Dorothy Bryant, executive secretary of the chorines' organization, said yesterday.

With this assurance, and providing no further alterations are made in the code provisions affecting her group, the code has the approval of Chorus Equity, Mrs. Bryant said.

Rosenblatt's promise to include in the code the clause described above removes the organization's last and most important objection. Mrs. Bryant had complained in Washington that the code as it stood at the time sought to bind the independent contractors, who, she said, do not sign the code and will not be parties to it, but did not impose any obligations on the exhibitors who dealt with such independent contractors. She is now satisfied that inclusion in the code of the promised clause will remedy the situation which Chorus Equity feared might result from the wording of the first draft.

Mrs. Bryant said she did not anticipate any further changes in the labor provisions of the code and did not plan another trip to Washington in connection with code subjects.

Independents' Code Hearing Is Delayed

The expected hearing before Deputy NRA Administrator Sol A. Rosenblatt on the independent fusion group's code analysis in Washington will not be held before Thursday, it became evident yesterday as various leaders of the independent group remained in New York awaiting the setting of a hearing date.

Delay in setting the date, it was said, was due to the inability of Jacob Schechter, counsel for the Federation of the M. P. Industry, to get back to Washington from a business trip to Kentucky before Tuesday night. Independent leaders here said they expected Schechter to arrange the hearing with Rosenblatt some time today and that they would leave for Washington immediately upon being advised by him of the agreed-on date, with Thursday the one anticipated.

Agents' Issue Is Hollywood Job Via Code

(*Continued from page* 1)

the third revision which was made public late this afternoon.

The committee will govern operations of agents who are found guilty of having "alienated or enticed" performers under contract or who knowingly have "made any materially false representation to any producer in negotiations with such producer for or affecting the employment or contemplated employment of any person represented by such agent." In other words, the code will cover the alleged "off-color" practices by agents.

The check on this, through the proposed agency committee, will rest in that committee's membership of 10. Five are to be producers or producers' representatives and will be named by code authority; the remaining five will consist of one agent, one actor, one writer, one director and one technician "selected by the administrator from nominations as to each class named respectively by agents, actors, writers, directors and technicians, in such equitable manner as may be prescribed by the administrator."

Insofar as control of agents is concerned, the third code draft is far less drastic on the licensing angle which, partially at least, made the agents' provisions in the second draft probably the most drastic.

A Less Harsh Word

Thus, the revamped provision talks about a less harsh word, "registration," where last week it was "licenses." Section 3 explains how it is to be done:

"Section 3—In order to effectuate this part, the agency committee may recommend to the administrator uniform terms and conditions for and an appropriate procedure for the registration of all agents with whom producers may transact business relating to the production of motion pictures and for the suspension, revocation or cancellation of any such registration and appropriate rules and regulations affecting the agent as provided for herein. Such recommendations of the agency committee, together with the recommendations of the individual members thereof, shall be submitted in writing to the administrator, who after such notice and hearing as he may prescribe, may approve or modify such recommendations. Upon approval by the administrator, such recommendations shall have full force and effect as provisions of this code. No agent shall be deprived of the right of registration without affording such agent a full and fair opportunity to be heard, and without the approval of the administrator. Should it at any time be determined to provide for the registration of agents, as hereinabove set forth, then all persons regularly transacting business as agents at such time shall be entitled to registration as a matter of course, provided application is made to the agency committee within 30 days thereafter."

Pickup Holds Steady Gains In K. C. Area

(Continued from page 1)

that had vanished are now returning, and a large sentiment holds theatres generally in this region will be out of the red this winter.

Typical is the optimism of E. S. Young, owner of the suburban Central. He had been taking it on the chin since he acquired the house over two years ago. Since Sept. 1, however, he has noted a decided pickup.

Barring a few towns in Kansas which depend on payrolls of a single industry, exhibitors visiting here report a box-office spurt and say the outlook is cheerful, especially in farming communities, where the government has been buying up surplus hogs or is about to distribute millions of dollars in compensation to wheat farmers.

That the pendulum is swinging toward better times is borne out by film salesmen traveling Kansas and western Missouri, and within the last two months has been confirmed in the increased business of equipment firms and supply houses. This is especially the case in the sound equipment field.

Sound Improvement Hailed by S. M. P. E.

(Continued from page 1)

has brought greater naturalness of speech, more delicate and subtle expression, clear music and more dramatic action."

These extended frequency sound systems, Dr. Goldsmith said, with a new film emulsion and improved camera supports which permit following actors more easily, virtually bring to the screen all the intimacy of a stage show. He also predicted more color films in the future. This does not necessarily mean all color, he explained, but does mean increased use of color to enhance certain story portions.

Papers on Wide Range were read by S. K. Wolf and F. L. Hopper of Erpi.

W. K. Laurie Dickson, early associate of Thomas A. Edison in the development of the Kinematograph, was made an honorary member of the society.

Missouri Governor Seeks a Sales Tax

JEFFERSON CITY, Oct. 17.—Governor Park today asked a special session of the legislature to enact a one per cent general sales tax to provide $9,000,000 annually. If passed the tax will be levied on theatre admissions and probably film rentals.

Robinson Made Director

HOLLYWOOD, Oct. 17.—Charles R. Rogers has elevated Casey Robinson, Paramount scenarist, to a director's post.

His first assignment will be "The Handsome Brute," adapted from James M. Cain's *American Mercury* story, "Baby in the Ice Box."

Zukor Asserts Theatres Are Help for Producers

(Continued from page 1)

tually at normal for the theatres of the world.

"Without that enforced flow of product," Zukor said, "the theatres not only of America but of the world were enabled to remain open, and the motion picture industry of the world was saved from collapse."

On the Depression Angle

Zukor's intimation here was that the facilities of the major studios and their corporate distribution organizations could not have been operated during the years of depression by new or lesser organizations, in the event of a shutdown, or near shutdown, of the former. It required, he intimated, both an initial financing and a continuing revenue which world conditions at the time could not supply.

Voicing his fundamental belief in the practicability and need for theatre ownership by companies with large production investments such as his own, Zukor broke a personal silence which has lasted for almost three years, during which time he has consistently declined to speak for publication. In the interim, there has occurred the voluntary bankruptcy of Paramount Publix, generally attributed to the losses and obligations incurred through theatre operations.

Circuit Not to Blame

Zukor revealed his belief yesterday that Paramount's difficulties were not the result of theatre ownership, as such, but of a combination of circumstances, universally economic and corporately politic, either of which, had they come into being separately, might not have proved financially fatal. Neither of the two contributory circumstances, world depression and centralized theatre management, proved producer ownership of theatres to be in error, Zukor indicated.

"I believe the localized management operation of theatres to be sound," he said. "The partnership theatre deals which we are now in the process of making will receive their first test this season. I am confident that the results which will be shown will be all that we expect."

"Do you believe that small or medium-sized theatre circuits are preferable for producer affiliation to circuits of more than six or eight hundred theatres?" Zukor was asked.

"The number of houses which comprise a circuit is immaterial," was the reply. "There is no prescription, even in this detail, for success in show business. If you follow the right instinct at the right time you can be as successful with many theatres as you can with one."

Holds Circuit Desirable

"As the industry is now constituted," Zukor added, "I believe circuit ownership to be not only advisable, but necessary as well. If no producer owned theatres, or if all theatres were owned by one person, there would be no necessity for affiliated circuits, since in either case pictures would attain a market on their own merits. As it is, a company with a big production investment requires the assurance its theatres give to go ahead with its production plans."

Zukor, who returned only recently from the Paramount studios, concluded by paying tribute to Emanuel Cohen, production head, and his studio organization.

"Our pictures have been coming along fine," he said with a show of enthusiasm, "and even better ones are on the way. A great deal of credit is due Emanuel Cohen and the organization he has developed. He has gathered about him a staff that is valuable and loyal."

No Reorganization Date Fixed—Zukor

(Continued from page 1)

told MOTION PICTURE DAILY yesterday.

"The reorganization work left to be done is largely routine," Zukor said, "but how long it will take to complete cannot be said at this time. Men have worked day and night for some time and the progress made thus far is more than encouraging. What is being achieved by our active subsidiary companies has instilled new confidence in the entire industry in those both within and outside of it."

Accord Subsequents Better Break on Ads

WASHINGTON, Oct. 17.—Exhibitors are given a better break on advertising in the third NRA code revision. The draft now provides that where a subsequent run theatre follows his prior run within a seven-day period, it will be permissible for him to advertise the coming attraction on the screen as well as to announce it in his own house's program provided the program is distributed "within the exhibitor's theatre."

Gordon Answers Frels

WASHINGTON, Oct. 17.—Sol E. Gordon of the Jefferson Amusement Co. has filed a brief with Deputy Administrator Rosenblatt entering a general denial of charges made by Rubin Frels of Victoria, Tex. The latter had charged he was unable to get product because Jefferson Amusement had bought more film than needed.

Schulberg Readies Three Sidney Films

HOLLYWOOD, Oct. 17.—With the return of both Sylvia Sidney and B. P. Schulberg to Hollywood, the latter is readying three Sidney starring vehicles to be placed in production in the following order: "Reunion," with Herbert Marshall opposite; "30-Day Princess," with Carey Grant, and "Good Dame" with George Raft. A fourth story for Miss Sidney is now being scouted for, leaving Schulberg to use other star names for the balance of his eight pictures on the new Paramount program.

Paramount, Reade Set

Paramount yesterday closed with Walter Reade for its complete line-up of features and shorts for his theatres in Asbury Park, Freehold, Plainfield and Long Branch, N. J., and the Kingston, Kingston, N. Y.

New Company To Take Over Poli Circuit

(Continued from page 1)

Thomas J. Spellacy, acting under instructions of the U. S. District Court at Hartford. These bonds had been pledged as security for an issue of debentures. Their transfer is a part of the reorganization plan.

At the auction of all the Fox-New England assets on Friday bids will be presented by Lou Sagal, now in control for Poli, and David Henderson, acting for Halsey, Stuart, as reorganization managers.

Eastern Theatres Corp. is the name of the underwriting syndicate which handled the repurchase of the bonds. These bonds had been on deposit with the Guaranty Trust Co as collateral.

The new name for the Poli circuit will be Poli-New England, Inc. Sagal said last night that he hoped to have the new company in operation between Nov. 1 and Nov. 15.

File Receiver Suit Vs Midland, K. C.

(Continued from page 1)

the company. Loew's, Inc., owns the remaining interest.

The petitioners' attorney asked that the plea be heard Thursday for appointment of a receiver pending adjustment of the controversy. He alleged the company was organized in February, 1927, and the property then leased for 10 years to the theatre and the realty subsidiary of Loew's, Inc. The plaintiffs assert they acquired 500 shares of Class A stock and Loew's, Inc., a similar block of Class B stock, each valued at $312,500. Class B stockholders are listed as Nicholas M. Schenck, David Bernstein and Edward A. Schiller.

The plaintiffs allege Loew's conspired to deprive them of their contractual rights and failed to collect rental from the theatre. They charge $225,000 in profits has accumulated which should be equitably distributed as dividends. The court is asked to prevent Loew stockholders from acquiring control of the company, to determine whether the rental contract has been observed and to compel stockholders and directors meetings to be held in Missouri. It is charged the defendants failed to advise with the plaintiffs in matters concerning the company.

Midland Investment Co. officers are Schenck, president; Woolf, first vice-president; Schiller, second vice-president; Bernstein, treasurer, and Shanberg, secretary. Shanberg is now in the east.

Actors' Guild Roll Aims at 1,500 Mark

HOLLYWOOD, Oct. 17.—The Actors' Guild is gathering momentum in organizing important names of actors. The membership is climbing and it is expected to reach 1,500 before the week is over. Jimmy Durante and May Robson are the latest stellar names to join.

THE LARGEST THEATRE
TO THE BIGGEST BUS

NEW YORK CRITICS RAVE AS THOUSANDS POUR INTO 'ROXY'S' MAMMOTH RADIO CITY MUSIC HALL

"A masterpiece! Worth whatever price they charge to see it." — *Regina Crewe, N. Y. American*

"Don't miss it! Extraordinary fun! You'll applaud Laughton with cheers." — *Bland Johaneson, Daily Mirror*

"Magnificent! Superb entertainment! Brilliantly constructed!" — *Rose Pelswick, Evening Journal*

"Handsome! Striking! Brilliantly depicted! Admirably told! Here is acting in its richest and grandest manner!" — *Richard Watts, Herald Tribune*

"A never-to-be-forgotten performance!" *Kate Cameron, Daily News*

"Nothing less than triumphant! Laughton's performance one to cheer about!" — *Wm. Boehnel, World-Telegram*

"Nothing so entertaining, so completely grand! Deserves all superlatives at command of movie gazer!" — *Martin Dickstein, Brooklyn Eagle*

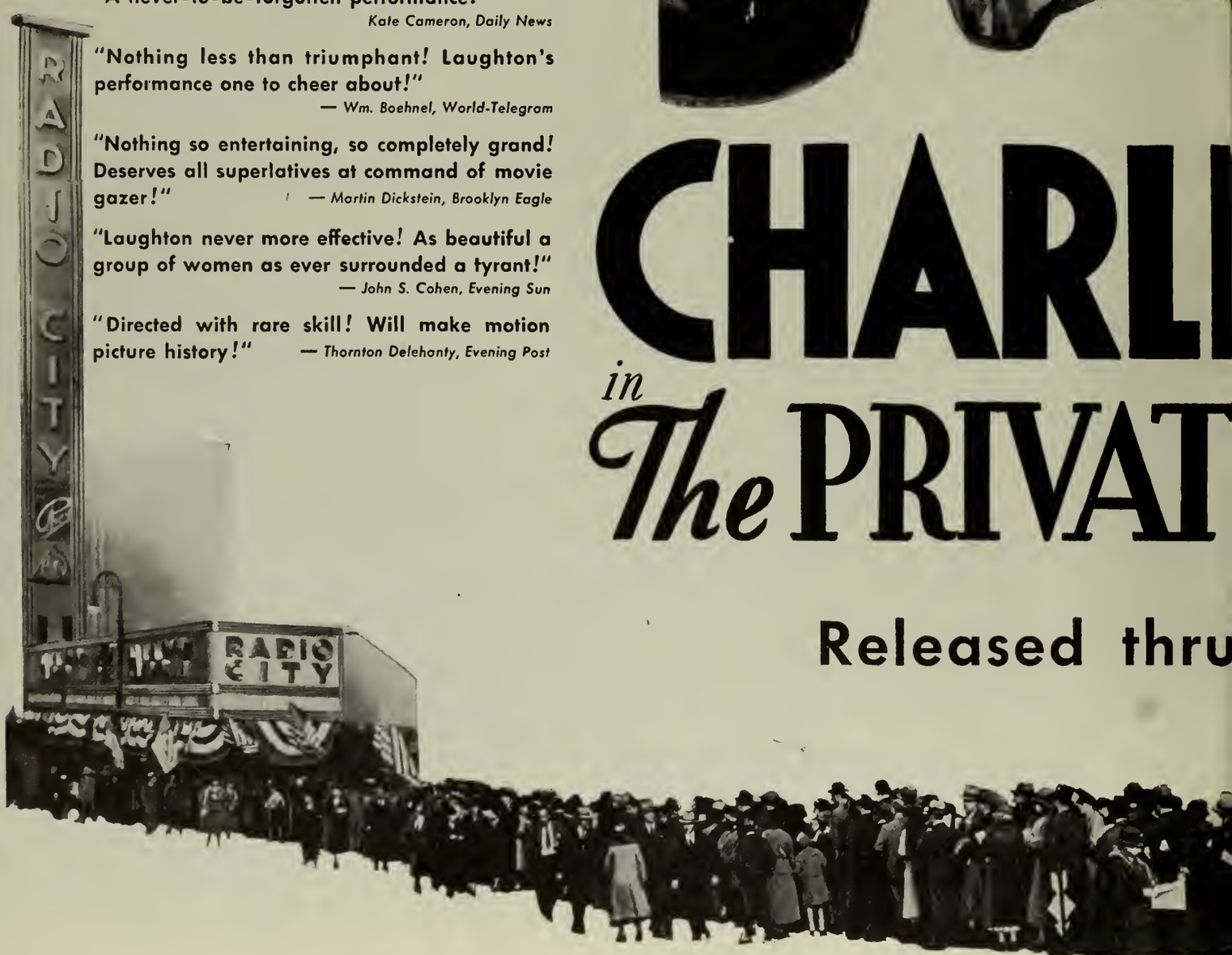
"Laughton never more effective! As beautiful a group of women as ever surrounded a tyrant!" — *John S. Cohen, Evening Sun*

"Directed with rare skill! Will make motion picture history!" — *Thornton Delehanty, Evening Post*

CHARL

in *The* PRIVAT

Released thru



N THE WORLD OPENS

IESS IN ITS HISTORY!

S LAUGHTON

LIFE OF HENRY VIII

NITED ARTISTS

Presented by
LONDON FILMS
Directed by
ALEXANDER KORDA

"Angel" Hits $24,100, Top Detroit Take

DETROIT, Oct. 17.—For the first time in more than a year, first runs here went over their total average gross, the six big houses garnering in $87,800 against a $77,000 average. "I'm No Angel," playing the State nine shows a day and piling up $24,100 for that time, led the field. Average for the theatre is $12,000.

Ben Bernie and his aggregation at the Downtown with "No Marriage Ties" on the screen, got $16,500 against a $10,000 average, and the Fox, with "Charlie Chan's Greatest Case" and a variety show, managed to go to $15,400, $400 over par, while "The Bowery" was $2,300 over average at the United Artists with $12,300.

Estimated takings for the week ending Oct. 12:

"NO MARRIAGE TIES" (Radio)
DOWNTOWN—(2,750), 25c-50c, 7 days. Stage: Ben Bernie and band. **Gross:** $16,500. (Average, $10,000.)

"TOO MUCH HARMONY" (Para.)
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $5,200. (Average, $10,000.)

"CHARLIE CHAN'S GREATEST CASE" (Fox)
FOX—(5,100), 15c-50c, 7 days. Stage: Harry Rose, Al Norman, Albee Sisters, Novak & Fay. **Gross:** $15,400. (Average, $15,000.)

"STAGE MOTHER" (M-G-M)
MICHIGAN—(4,100), 25c-50c, 7 days. Stage: Ritz Brothers, Lanny Ross, Sylvia Froos. **Gross:** $14,300. (Average, $20,000.)

"THE BOWERY" (U. A.)
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $12,300. (Average, $10,000.)

"I'M NO ANGEL" (Para.)
STATE—(3,000), 25c-50c, 5 days. **Gross:** $24,100. (Average, seven days, $12,000.)

"Big Six" Trailer Free

Paramount accounts are being supplied with free trailers on the company's next six pictures which are known as "The Big Six." The trailer announces as forthcoming attractions "Alice in Wonderland," "The Way to Love," "I'm No Angel," "Design for Living," "Duck Soup" and "Cradle Song."

Denies Changes at "U"

HOLLYWOOD, Oct. 17.—Denying rumors of a change in the executive structure at the studio, Carl Laemmle, Jr., today issued a statement that Frank Mastroly will continue as assistant to Carl Laemmle, Sr., and cooperate with all executives. The story was around that Mastroly would be made executive studio manager.

Mae West Grabs $51,000

"I'm No Angel" grossed $51,000 in the first four days at the New York Paramount. It is being held a second week and is likely to be held a third.

"Angel" Drive On

Paramount is making a drive for extended playing time on "I'm No Angel." There's no limit on the amount of repeat runs on the Mae West flicker.

"U" Buys Two Stories

HOLLYWOOD, Oct. 17.—Universal has purchased "Interlude," by Octavus Roy Cohen, and "Bravely Waiting," by Norman Houston.

Looking 'Em Over

(Continued from page 2)

"Skyway"

(*Monogram*)

Comedy and melodrama are combined for an entertaining picture, which yesterday met with the approval of a Loew's New York audience. Ray Walker has a pleasing personality and he got over with the patrons. As a happy-go-lucky aviator in the mail service, he's always getting into trouble until finally he is fired. He meets Kathryn Crawford, daughter of Claude Gillingwater, a bank president, and a romance ensues. The girl is anxious to have him settle down and arranges with her father to get Walker a job in the bank.

Walker leaves his job when the bank executives turn down a proposition to finance a new air route which would take mail from steamers 400 miles out and bring it to shore. Shortly after there is a shortage in the bank and the hero is accused. George Hays, the vice-president, is the real culprit. How Walker takes him off a steamer enroute to South America is amusing. He vindicates himself and takes the heroine for a spin to Yuma and a preacher. Lucien Littlefield and Arthur Vinton also do nice work in a thoroughly enjoyable attraction.

"Rainbow Ranch"

(*Monogram*)

Rex Bell comes through with another performance which his followers will go for in a big way. He supplies plenty of action as the hero who doesn't hesitate to fight it out with anyone, whether in the Navy or in the cow country. At the start he's a fighter in Uncle Sam's sea force. He is requested by his aunt to visit her ranch, as trouble is brewing. Enroute west he meets Cecelia Parker on the train and later learns she is his neighbor at home.

When Bell arrives at the ranch he finds that one of the cow men has bought up most of the land in the vicinity of his aunt's property. The culprit has even dammed the water supply for the cattle. Bell visits the village attorney, and just as he is about to learn who murdered his uncle, the barrister is killed. The hero is held, but later is cleared when the girl's father fails to match the bullet of the killer with that of Bell's gun. Tracing the bullet further, the culprit is revealed as the man who has been trying to force the hero's aunt out of the country. That makes it okay for Bell and Miss Parker to join ranches and names. Also in the cast are Robert Kortman, Henry Hall and Gordon De Maine.

"Before Morning"

(*Louis Weiss*)

The mysterious death of Lora Baxter's illicit lover brings a series of complications which involve suicide and murder. When the body of the victim is shipped to a sanitarium to make it appear as though the man had died there instead of at Miss Baxter's home, Leo Carrillo is assigned to the case. After much cross examination in which the heroine and the dead man's wife are the pivotal factors, the hero elicits the result he is after.

While it first appeared that the man had died of heart failure, and later that he had committed suicide when he swallowed the wrong pill, Carrillo discovers that nicotine poison was put into one of the pills and this caused the death. Reason: The victim's wife wanted to marry another man and couldn't do it while her husband was alive.

There are some good exploitation possibilities for plugging this independent release.

SHORTS

"The Wolf Dog"

(*Mascot*)

"The Wolf Dog" brings Rin-Tin-Tin, Jr., back to the screen. Moving at a fast pace, it has most of the ingredients children demand in serials. The story tells of a youngster who starts out to claim an inheritance to which he has fallen heir. Two persons are anxious to get him out of the way and claim part of the money for themselves. One is his stepfather and the other the man in whose hands the boy's father left his wealth at death. How the lad, with the aid of Rin-Tin-Tin, manages to escape these two men provides a series of thrills. In the cast are Frankie Darro, Boots Mallory, Fred Kohler, Hale Hamilton, Henry B. Walthall, Dickie Moore, Lane Chandler, George Lewis and Niles Welch. Running time, 20 mins.

"Peeping Tom"

(*Universal*)

Fourth of the Louis Sobol series which Rowland-Brice are producing for Universal. The New York *Evening Journal* columnist introduces a list of entertainers headed by Roy Atwell and all do a turn before the camera. Has unusual merits for those who like to see on the screen the names they read of in the Broadway gossip columns. Running time, 17 mins.

"The Land O' Burns"

(*The Film Exchange*)

Lovers of Robert Burns will enjoy this panoramic study of the poet's surroundings. His home and the nearby country are all pictured as the views stand today. There is beauty to the rustic Scotland pictured here. Running time, 20 mins.

"Static"

(*Educational*)

Tom Howard is bequeathed $5,000 by his aunt and with a cousin buys a radio shop which has its complications. There are a number of wisecracks, some witty and others old. Running time, 20 mins.

"Vickers" and "Flight" Twin Cities' Leads

MINNEAPOLIS, Oct. 17.—"Ann Vickers" and "Night Flight" divided box-office honors in both the Twin Cities, with "The Masquerader" a close second in a week of strong films.

Minneapolis' five houses grossed $18,600, where the average is $17,200. St. Paul's quartet totaled $15,400, well above the usual $14,000.

Estimated takings:

Minneapolis:

Week Ending Oct. 12:

"THE MASQUERADER" (U. A.)
CENTURY — (1,640) (25c-40c), 7 days. **Gross:** $3,900. (Average, $3,500.)

"CHARLIE CHAN'S GREATEST CASE" (Fox)
LYRIC—(1,238), 20c-25c, 7days. **Gross:** $1,500. (Average, $1,500.)

Week Ending Oct. 13:

"ANN VICKERS" (Radio)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

"NIGHT FLIGHT" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

"FANTEGUTTEN" (Norwegian)
WORLD—(400), 25c-75c, 7 days. **Gross:** $1,200. (Average, $1,200.)

St. Paul:

Estimated takings for the week ending Oct. 13:

"NIGHT FLIGHT" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)

"THE MASQUERADER" (U. A.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,500.)

"ANN VICKERS" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** 4,500. (Average, $4,000.)

"THIS DAY AND AGE" (Para.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800.)

"THE NARROW CORNER" (Warners)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700.)

Majestic Takes on Three B. I. P. Films

Majestic Pictures has acquired American distribution rights to three B. I. P. pictures featuring American players, thereby boosting Majestic's current release schedule to 15.

The deal, negotiated between Herman Gluckman, Majestic president, and Arthur Dent, B. I. P. vice-president, gives Majestic a Thelma Todd-Stanley Lupino comedy; a Ben Lyon and Sally Eilers farce comedy, and a romantic comedy drama with Constance Cummings.

Majestic thus has six pictures ready for release on the current schedule, the first of three of the company's original schedule of 12 having already been completed.

Educational Busy on 11

Eleven Educational shorts are in production or in preparation at the Eastern Service Studios here and on the coast. Among those being made in the east are "Mister Adam," starring Ernest Truex; "Git Along, Little Doggies," comedies starring Moran & Mack and Stoopnagle & Budd and a Terry-Toon, with "Million Dollar Melody" in process of editing.

The coast studios are busy on "What a Wife," "Easy Mark Anthony," "The Midnight Male" and a "Frolics of Youth" comedy.

Universal's New Deal!

INTERSTATE THEATRE CORP.

Eddie Anson, Harold Stoneman

Operating theatres in Plymouth, Mass., Revere, Mass., Rochester, N. H., Great Barrington, Mass., Milford Mass., Southbridge, Mass., Bellows Falls, Vt., Stoughton, Mass., Putnam, Conn., Danielson, Conn. and Rockville, Conn., signs for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

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***Thanks,* Messrs Anson and Stoneman,**
for your confidence in Universal Pictures.
We will do our part.

"Flight" Is Kansas City Top, $14,700

KANSAS CITY, Oct. 17.—"Night Flight" was No. 1 attraction, drawing the crowds at Loew's Midland for a take of $14,700, above par by $4,700. "Ann Vickers," at the RKO Mainstreet, went over average by $500 and grossed $7,500, while "My Weakness," a Fox Uptown attraction, was another better than average draw with $3,500. The Public Newman played "Golden Harvest" as a three-day filler-in between "To Much Harmony" and "I'm No Angel."

Total first-run business was $28,200. Average, including three days at the Newman, is $22,500.

Estimated takings:

Week Ending Oct. 11:

"GOLDEN HARVEST" (Para.)
NEWMAN—(2,000), 25c-40c, 3 days. **Gross:** $2,500. (Average for 3 days, $2,500.)

Week Ending Oct. 12:

"ANN VICKERS" (Radio)
MAINSTREET—(3,049), 25c-40c, 7 days. **Gross:** $7,500. (Average, $7,000.)

Week Ending Oct. 13:

"NIGHT FLIGHT" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $14,700. (Average, $10,000.)

"MY WEAKNESS" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,000.)

Eight New Theatre Concerns for Penn.

HARRISBURG, Oct. 17.—Recent applications for state charters have been filed with Richard J. Beamish, secretary of state, as follows:

Colonial Amusement Co., Inc., Phoenixville; Lewen Pizor, Jennie Pizor and Rosalie Coane, all Philadelphia, and Herman Coane, Phoenixville, incorporators. Capital stock, $10,000.

Northampton Theatre Co., Inc., 1228 Vine st., Philadelphia; James P. Clark and Jack H. Greenberg, both Philadelphia, and Dorothy Dennis, Stonehurst. Capital stock, $500.

Lyric Theatre, Minersville, Inc., of Minersville, Lewen Pizor, Dorothy Pizor and Ruth Pepper, all Philadelphia. Capital stock, $5,000.

Beaver Valley Amusement Co., Pittsburgh, Alexander Cooper, Benjamin Greenwald and Rebecca Goldberg, all Pittsburgh. Capital stock, $10,000.

Brunswick Theatre Corp., 2011 Frankford Ave., Philadelphia, Sadie M. Morris, David Wachtel and Anna Rosenthal, all Philadelphia. Capital stock, $2,510.

Harris Amusement Co., of Jeannette, Pa., Pittsburgh, F. J. Harris, Crafton; J. T. McGreevy, Mount Lebanon, and G. S. Harrison, Oakmont. Capital stock, $5,500.

Berwick Theatre Co., Scranton; T. L. Hoban, Ann Coleman and L. F. Casey, all of Scranton. Capital stock, $2,500.

Tri-Delphi Corp., Johnstown, J. P. Murray and Frank S. Muzzey, both Philadelphia, and Thomas J. Cauley, Narberth. Capital stock, $5,000.

Wilmington Savoy Open

WILMINGTON, Oct. 17.—The Savoy, second and third run Stanley-Warner house, has reopened for the winter season. No manager has been named.

"Flight," $5,300 Over Par, Leads in L. A. At $19,300

LOS ANGELES, Oct. 17.—"Night Flight" came up to expectations at Loew's State last week by piling up a gross of $19,300, over par by $5,300. This was the biggest business in town.

"Dinner at Eight" held up to $17,237 in its fifth week at Grauman's Chinese, and "Gold Diggers" was still good for $11,000 in the second week of its return engagement at Warners' Downtown. Elsewhere things were quiet.

Total first-run business was $91,687. Average is $90,750.

Estimated takings for the week ending Oct. 11:

"DINNER AT EIGHT" (M-G-M)
CHINESE—(2,500), 50c-$1.65, 5th week, 4 days. Sid Grauman prologue. **Gross:** $17,237. (Average, $14,000.)

"NIGHT FLIGHT" (M-G-M)
LOEW'S STATE—(2,415), 25c-55c, 7 days. Stage show, Ed Lowry and his band. **Gross:** $19,300. (Average, $14,000.)

"THE WAY TO LOVE" (Para.)
PARAMOUNT—(3,598), 25c-55c, 7 days. Stage show. **Gross:** $17,250. (Average, $18,000.)

"LADY FOR A DAY" (Col.)
RKO—(2,700), 25c-40c, 7 days. **Gross:** $6,300. (Average, $8,000.)

"GOLD DIGGERS OF 1933" (Warners)
WARNER BROS. (Hollywood)—(5,000), 25c-55c, 2nd week, 7 days. Teddy Joyce and his orchestra. Stage show. **Gross:** $9,500. (Average, $14,000.)

"GOLD DIGGERS OF 1933" (Warners)
WARNER BROS. (Downtown)—(3,400), 25c-55c, 2nd week, 7 days. Herman Heller and his band, stage show. **Gross:** $11,000. (Average, $12,000.)

"RED HEAD" (H. Bregstein)
FILMARTE THEATRE—(890), 40c-50c, 4th week, 7 days. **Gross:** $2,000.

"THE MASQUERADER" (U. A.)
CRITERION—(1,610), 25c-55c, 7th week, 7 days. Stage show. **Gross:** $2,100. (Average, $2,800.)

"CURTAIN AT 8" (Majestic)
"THE FILM PARADE" (Blackton)
LOS ANGELES THEATRE—(3,000), 15c-25c, 7 days. **Gross:** $3,500. (Average, $3,700.)

"FLAMING GOLD" (Radio)
"THE GOOD COMPANIONS" (Fox)
ORPHEUM THEATRE—(3,200), 25c-35c, 7 days, 10 acts vaudeville. **Gross:** $4,600. (Average, $4,250.)

"Harmony" $8,000 Hit, Indianapolis

INDIANAPOLIS, Oct. 17.—"Too Much Harmony" at the Circle did big business last week with a gross of $8,000, which is $4,500 better than par. The Palace with "Stage Mother" hit par with a gross of $4,500.

Total for the four first runs was $23,500. Average is $20,500.

Estimated takings for the week ending Oct. 7:

"MY WEAKNESS (Fox)
APPOLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

"TOO MUCH HARMONY" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $8,000. (Average, $3,500.)

"BRIEF MOMENT" (Col.)
INDIANA—(3,300), 25c-55c. Crazy Quilt on stage. **Gross:** $9,000. (Average, $10,000.)

"STAGE MOTHER" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500.)

Paschall-IATSE Sign

AMARILLO, Tex., Oct. 17.—After many months of strife, the Paschall-Texas theatres have signed with the I. A. T. S. E. to employ union projectionists and stage hands henceforth. C. E. Rupard, business manager of the Dallas local, assisted in closing the contracts.

Too Much Applause

New Orleans, Oct. 17.—You wouldn't think it possible for a man to blow a cornet so hard he dislocated his knee, would you? Louis Prima can tell you different. When he finished playing "Basin Street Blues" at Beverly Gardens, recently, Louis took one bow too many, slipped and in striking the floor on one knee, injured it so badly he's confined to bed.

"Penthouse" Pulls $10,000 in Omaha

OMAHA, Oct. 17.—A heavy campaign on "Penthouse," including daily installments of the story in serial form in the *Bee-News* and hundreds of lines of display space from the same Hearst daily, broke the Orpheum's seven-day record with an all-film policy, bringing the house about $10,000. Only two weeks ago "Dr. Bull" set a new record of $9,750.

"Penthouse" built steadily from the opening show. The other feature on the Orpheum bill was "One Year Later."

At the Paramount, "Too Much Harmony" was in the money at $7,750. A dual bill at the World of "The Wrecker" and "Beauty for Sale" fell a little under par at $5,500.

Total first run business was $23,250. Average is $20,600.

Estimated takings for the week ending Oct. 7:

"PENTHOUSE" (M-G-M)
"ONE YEAR LATER" (First Division)
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** 110,000. (Average, $7250.)

"TOO MUCH HARMONY" (Para.)
PARAMOUNT—(2,900), 25c-30c-35c-50c, 7 days. **Gross:** $7,750. (Average $7,500.)

"THE WRECKER" (Col.)
"BEAUTY FOR SALE" (M-G-M)
WORLD—(2,500), 25c-35c, 7 days. **Gross:** $5,500. (Average, $5,850.)

Emporia House Open Sunday Until Test

EMPORIA, Kan., Oct. 17.—City police will not interfere with Sunday shows at the Lyric until after a test case has been heard in the October term of the district court.

O. E. Briles, manager of the Lyric, operated his theatre recently without being molested, although he was arrested twice the Sunday before. He was found guilty and fined in police court, but gave bond and appealed to the higher court.

The two Fox houses here have so far remained dark on the Sabbath.

"Pigs" Pittsburgh Hit

PITTSBURGH, Oct. 17.—After receiving almost 1,000 calls weekly from customers inquiring where they could see "The Three Little Pigs," the Penn is now playing a return engagement of the Walt Disney short in conjunction with "Night Flight."

"Don't Bet," Whiteman Big Boston Draw

BOSTON, Oct. 17.—Downtown theatres continued their steady forward march with every first-run going well above average.

RKO Boston was high for the week, but in addition to "Don't Bet on Love" it had Paul Whiteman and his orchestra on the program. The box-office went $4,000, above par to $20,000. It was the highest gross here in a long period of months.

Metropolitan, with "Golden Harvest," and RKO Keith's, with "Ann Vickers," did $3,000 and $2,500 above average, respectively, while the others were well up.

Total first-run business was $106,500. Average is $95,000.

Estimated takings for the week ending Oct. 5:

"DON'T BET ON LOVE" (Univ.)
BOSTON—(2,900), 25c-50c, 7 days. Paul Whiteman and orchestra. **Gross:** $20,000. (Average, $16,000.)

"I LOVED A WOMAN" (F. N.)
"BEFORE DAWN" (Radio)
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

"ANN VICKERS" (Radio)
KEITH'S—(3,500), 30c-50c, 7 days. Mr. and Mrs. Jesse Crawford at organ. **Gross:** $18,500. (Average, $16,000.)

"STAGE MOTHER" (M-G-M.)
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaude. **Gross:** $17,500. (Average, $16,000.)

"GOLDEN HARVEST" (Para.)
METROPOLITAN—(4,350), 30c-65c, 7 days. Vaughn de Leath and Revue. **Gross:** $31,000. (Average, $28,000.)

"I LOVED A WOMAN" (F. N.)
"BEFORE DAWN" (Radio)
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000.)

Pittsburgher Tries Portable Equipment

PITSBURGH, Oct. 17.—Earl Rosser, former manager here for both the Harris interests and later Warners, has turned exhibitor with a motorized equipment. Rosser has picked up a truck outfitted with portable trappings and is going in for entertainments in private homes and clubs.

He's also planning to invade the thinly populated surrounding communities which have no local theatres.

Regal Has "Henry VIII"

TORONTO, Oct. 17.—Although "The Private Life of King Henry VIII," a British production, is being released in the United States by U. A., Canadian distribution is controlled by N. L. Nathanson through Regal Films, Ltd., and not by Canadian United Artists. It will be released as a roadshow in Canada.

Open Australian House

SYDNEY, Oct. 17.—Australian production has progressed to the point where the first "All-Australian" house has been opened here. Two years ago the first "All-British" house was opened. Cinesound Productions' "The Squatter's Daughter," was the first feature.

Open Montclair House

MONTCLAIR, N. J., Oct. 17.—Rapf, Rudin & Ronheimer opened the Montclair recently, making the second local house in the circuit. The other is the Bellevue.

"RED" BRANAHAN
Something always happened in the old neighborhood when "Red" was out on bail!

ADONIRAM SCHLUMPP
Poor little rich boy and no mother to guide him . . what a break for Aggie Appleby "Maker of Men"!

There are Dames, Skirts, Frails, Babyfaces, Funnyfaces, Angel Faces, Redheads, Blackheads, Boneheads, Cuties, Snooties, Beauties, BUT YOU NEVER KNEW A GAL LIKE

"AGGIE APPLEBY MAKER OF MEN"

She Took 'Em Apart—and Gave 'Em the Works!

starring

CHARLES FARRELL
WYNNE GIBSON

with

WILLIAM GARGAN
ZASU PITTS

BETTY FURNESS BLANCHE FRIDERICI
DIRECTED BY MARK SANDRICH
A PANDRO S. BERMAN PRODUCTION

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

MERIAN C. COOPER
Executive Producer

THERE'LL BE A PANIC AT RADIO CITY MUSIC HALL WHEN "AGGIE" BLOWS IN !

FACE TO FACE WITH YOUR FUTURE!

Facing you on this page is your future star

DOROTHEA WIECK

in Paramount's

"CRADLE SONG"

From the screen play by Marc Connolly, author of "Green Pastures". . . . Directed by Mitchell Leisen

Paramount gave you two major stars during the past year, Mae West and Bing Crosby ..... That Paramount is again developing a real star is indicated by these letters from well-known showmen: *

*"We agree with you that Dorothea Wieck has tremendous possibilities."
John J. Friedl

"Regarding Dorothea Wieck, I am very enthusiastic about the possibility of her becoming an outstanding personality in our business." Mike Marco

Paramount Pictures

it's a PARAMOUNT PICTURE it's the best show in town!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 93 NEW YORK. THURSDAY, OCTOBER 19, 1933 TEN CENTS

Censors Here Ban 10, Cut 317 in Year

Total of 1,762 Examined 253 Under 1932

Ten fiilms were rejected in toto and eliminations were made in 317 of a total of 1,762 examined during the fiscal year ending on June 30, leaving 1,435 passed without cuts, according to the annual report made public yesterday by Irwin Esmond, director.

During the previous year, the last under Dr. James Wingate's regime, the board examined 2,015 films and made eliminations in 326. Thus, in spite of the fact that the total number of films dropped by 273 the number of cuts was down by only nine.

Scenes considered "immoral or tending to corrupt morals" drew the strongest critical attention from the board. Under this heading 1,124 eliminations were made. Eliminations

(*Continued on page 9*)

Engineers to Seek 2,000 Membership

CHICAGO, Oct. 18. — Launching a "new deal" plan at the fall meeting of the Society of M. P. Engineers, in progress here, the organization today declared an objective of 2,000 members within the year.

The plan calls for a sharp reduction of membership dues together with efforts to enlist technicians, architects and others contributing to the progress of the industry.

At the S.M.P.E. banquet last night, Dr. A. N. Goldsmith, president, stated that the membership campaign will be instituted in key cities and said that the enlarged scope planned for the organization is part of a plan not only to increase the society's usefulness but

(*Continued on page 9*)

Rumor Marco Will Take Over St. Louis

ST. LOUIS, Oct. 18.—Recent visits of Mike Marco with Harry Koplar have started rumors that Marco is to take over the St. Louis, but Koplar denies this and says that the visits have been to talk terms on F. & M. acts now playing at the house.

Charles Perry has succeeded Jules Karty as manager of the house.

The house is to be closed next Thursday night for mechanical stages on the stage, according to the announcement.

McDonough Is Put in Posts Of Franklin

No Successor Named for Theatre Operations

J. R. McDonough, assistant to M. H. Aylesworth, was elected yesterday to the executive posts in RKO subsidiary companies left vacant by the resignation of Harold B. Franklin, Aylesworth stated at the close of an RKO directors' meeting.

The actual RKO theatre operating duties will probably be designated to someone within the theatre department in the near future, it is understood, with the appointment to be made either by McDonough or Aylesworth.

The posts to which McDonough was elected yesterday are: President

(*Continued on page 8*)

Report Marxes Set For U.A. Release

HOLLYWOOD, Oct. 18.—Though both parties refuse to discuss it, rumors here are to the effect that the four Marx brothers and United Artists have reached a deal for release of their next picture.

Reports are also current that Harold Lloyd is talking terms with United Artists.

Loew Midland Suit Goes Over 10 Days

KANSAS CITY, Oct. 18.—Initial hearing scheduled for Thursday in the suit for a temporary receivership and an accounting of profits filed Tuesday against the Midland Investment Co., owners of Loew's Midland, by Herbert M. Woolf, M. B. Shanberg and F. H. Reid of this city, who hold half interest in the company, was

(*Continued on page 8*)

Signs the Code

Ben Berinstein, president of the Independent Theatre Owners of Southern California, has signed the code, he declared prior to his departure for Los Angeles last night.

He also signed for two theatre companies in which he is directly interested.

Washington, Oct. 18.—The board of directors of the Southern California exhibitor unit has confirmed by wire Ben Berinstein's signature to Deputy NRA Administrator Sol A. Rosenblatt.

Actors Again Wire Protest On Article 5

WASHINGTON, Oct. 18. — Incensed over the latest revision of Part 5 of Article 5, formerly Article 10, of the code, covering agents' activities, members of the Actors' Guild today sent protests to U. S. Senator Wagner and William Green, president of the A. F. of L.

The wire, signed by Eddie Cantor and John Howard Lawson, asserts that producers are given autocratic

(*Continued on page 3*)

Pix Will Test Some Demountables Here

Pix Theatres, Inc., recently organized to market demountable theatres throughout the country, will establish and operate two or three experimental houses itself before the end of the

(*Continued on page 8*)

Hope to Have Code Settled By Saturday

Reports for Johnson Are Being Prepared

WASHINGTON, Oct. 18.—The hope that the film code could be presented to Administrator Hugh S. Johnson by Saturday night was expressed today by Deputy NRA Administrator Sol A. Rosenblatt, following receipt of a report from the Labor Advisory Board.

The board's report, the deputy said, was highly commendatory and raised no points of criticism which will necessitate changes. Reports from the Consumers' and Industrial Advisory Boards are hoped for tomorrow.

Anticipating that none of the advisory boards will raise any serious objections to any points in the code, Rosenblatt today began writing his report to Johnson. The report will be lengthy, covering fully the negotiations leading to the development of the revised agreement made public yesterday. Deputies' reports to the administrator are confidential, since arguments for adoption of various provisions are often supported by sta-

(*Continued on page 3*)

Allied "Bungling" Charged in Detroit

DETROIT, Oct. 18.—The charge that independents would have fared better at Washington code conferences had not Allied States leaders "bungled things" at the sessions and "bolted" the hearings, was made today at a meeting of 61 Detroit exhibitors gathered to discuss formation of a new independent exhibitor organization.

A second meeting to complete the

(*Continued on page 3*)

Key Cities Show Steady Gains Since Low in June

Box-office reports gathered from 20 cities over a period of one year show there has been a slow, but steady, improvement since the second week in June when a new low of $948,712 was recorded. This improvement has continued, with only five minor setbacks, since the second week in July until it reached $1,292,201 for the week ending Sept. 15 and 16.

For the 52nd week of the year's average, which ended Sept. 22 and 23, the total was $1,229,851. This is $397,663 below the high point reached Oct. 20 and 21 last year.

Business for the week ending Sept. 22-23 fell off slightly in 13 spots, but in seven others there were slight gains over the preceding week. These

(*Continued on page 10*)

Chase Film Moves Coming Up Friday

WASHINGTON, Oct. 18.—Film security operations of the Chase National Bank will be exhaustively aired Friday by the Senate Banking and Currency Committee now investigating Wall Street activities.

Under the questioning of Ferdinand Pecora, counsel for the committee, it was disclosed today that the Chase Securities Corp., a subsidiary of the bank, had carried $20,714,442 of Fox debentures and $10,700,000 of General

(*Continued on page 8*)

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WE DO OUR PART

Rogers Seeks Testimony by Zukor, Hertz

A request that Adolph Zukor, Paramount Publix president, and John Hertz, chairman of the company's finance committee during 1932, be produced for examination by counsel for creditors in connection with bankruptcy proceedings before Referee Henry K. Davis was made yesterday by Saul E. Rogers, attorney for a creditors' group, at the conclusion of examination of Ralph A. Kohn, former Paramount treasurer, who has been on the stand over a period of several months.

Samuel S. Isseks, of counsel for the Paramount trustees, said that Rogers' request would be "taken under consideration."

In requesting that Zukor and Hertz submit to examination Rogers said that considerable information sought by creditors in connection with the Paramount bankruptcy had not been obtained from either Kohn or Austin Keough, Paramount general counsel, the only two officers of the company who have been placed on the stand by attorneys for the trustees thus far. Rogers pointed out that in many instances where neither Kohn nor Keough could supply desired information, the witnesses had stated that the subject under examination had been handled by either Zukor or Hertz.

"Mr. Hertz is a non-resident and it may be necessary to take his testimony by deposition," Isseks commented at the time Rogers' request was made.

Suggests Asking Hertz

"I think if the trustees sent Hertz a notice to appear here for questioning," Rogers replied, "that is all that would be necessary. If he refused to comply, that should be sufficient notice to the trustees that he had something to conceal and they should then demand his appearance."

Prior to this Rogers obtained a clarification from Kohn of various minor phases of the bonus contracts made between Paramount and Zukor, Sidney R. Kent, Jesse L. Lasky, Sam Katz and Kohn. It was disclosed that in 1927 the bonuses were proportionately increased when the company charged off $1,424,400 as the cost of calling up its preferred stock for retirement without deducting the full amount from the net earnings, on the basis of which the bonuses were paid.

Kohn said that he did not participate in the bonuses that year and "was not sure" whether Katz had, either.

Samuel Zirn, attorney for a Paramount bondholders' group, who has conducted the examination of Kohn for the past several sessions without eliciting new information of a vital nature, was stopped from further questioning by Referee Davis yesterday over Zirn's "protest."

Zirn said he would "seek his remedy in court if it's available," and also threatened Kohn with an action for contempt, declaring that Kohn's answers on the stand were "evasive" and amounted to "refusal to testify."

An example of the questions put to Kohn by Zirn was the following: "Where did I (Zirn) get a copy of your (Paramount's) balance sheet for 1932?"

"U" in Cincinnati Given Hays Trophy

CINCINNATI, Oct. 18.—At a meeting of the Film Board of Trade here yesterday, Paul Kreiger, manager of the Universal exchange, was awarded the Hays trophy for the highest rating among the 32 exchange centers in the United States for fire prevention and general "good housekeeping." Coincidentally, the award was made immediately following local fire prevention week. There was, however, no connection between the two occasions.

Open Greenville House

NEW ORLEANS, Oct. 18.—U. S. District Judge Wayne G. Borah, has granted E. V. Richards, receiver for Saengers Theatres, Inc., permission to reopen the Paramount in Greenville, Miss. The theatre is operated by Delat Theatres, Inc. Advancement of money by Saengers was authorized.

Directors Work on Guild

HOLLYWOOD, Oct. 18.—All concerned refuse to discuss it, but it is understood a number of meetings have been held for discussion of the formation of a Directors' Guild, similar to the guilds now operating among writers and actors.

Alicoate Candidate For Harrison Board

HARRISON, N. Y., Oct. 18.—Jack Alicoate, publisher and editor of *The Film Daily*, is taking a fling at politics and is running for alderman of this town. Charles C. Pettijohn, general counsel of the Hays organization and no novice to politics, is acting as campaign manager. The election is Nov. 7.

Wurtzel Starting Five

HOLLYWOOD, Oct. 18.—Sol Wurtzel plans to put five features into production for Fox in two months. Three going into work this month are: "Sleepers East," "Stranger in the Night" and "Heir to the Hoorah." Early next month he will start "365 Nights in Hollywood" and "Murder in Trinidad."

President Signs Scroll

Nicholas M. Schenck has received word from Washington that President and Mrs. Roosevelt have signed a large parchment scroll conveying birthday greetings to Marie Dressler. The scroll is to be sent around the country for the signatures of governors before being presented to her in Hollywood on Nov. 9.

Chandler Replaces Allen

HOLLYWOOD, Oct. 18. — Helen Chandler has replaced Elizabeth Allen in "Long Lost Father" to save the expense of waiting for Miss Allen to recover from an injury to her foot.

Warner Club to Dance

CINCINNATI, Oct. 18.—The annual Warner Club dance and card party is set for Saturday, Nov. 11, at the Hotel Sinton-St. Nicholas French ball room.

Columbia Down 1¾ as Market Slumps

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	21½	20	20	—1¾	500
Consolidated Film Industries	3⅛	3⅛	3⅛	+ ⅛	300
Consolidated Film Industries, pfd	8⅞	8½	8½	— ⅝	100
Eastman Kodak	73¼	72	72½	— ¾	500
Fox Film "A"	14¼	14	14	— ½	1,400
Loew's, Inc.	30	28¼	28¼	—1¼	3,400
Paramount Publix	1½	1⅜	1⅜	— ⅛	4,200
Pathe Exchange	1¼	1⅛	1⅛	— ⅛	600
Pathe Exchange "A"	8¼	7¾	8⅛	— ⅞	100
RKO	2½	2¼	2¼	— ¼	600
Warner Bros.	7⅛	6⅜	6⅜	— ¾	6,400

Technicolor Sole Opener on Curb

	High	Low	Close	Net Change	Sales
Technicolor	12	11	11¼	+ ¾	6,000

Warner Bonds Dip 1⅜ Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	5¾	5	5	— ⅛	6
Keith B. F. 6s '46	44¾	44¾	44¾	+ ⅛	1
Loew's 6s '41	85	84¾	84¾	.....	2
Paramount Broadway 5½s '51	30	30	30	— ⅛	3
Paramount F. L. 6s '47, cts	30	30	30	— ½	1
Paramount Publix 5½s '50	31¼	30¾	31¼	+ ⅝	10
Warner Bros. 6s '39, wd	43	42	42½	—1⅜	21

Purely Personal

JACK BROWER, Warner western district manager with headquarters in Los Angeles, left last night by plane with plans for stopovers in Denver and Salt Lake City to handle deals on "Footlight Parade."

CHARLES JUDELS will write, direct and help in the supervision of Educational shorts at the Eastern Service Studios under the terms of his new contract.

RAY FOSTER, Vitaphone cameraman, had a double celebration yesterday, his 10th wedding anniversary and his daughter's seventh birthday.

MARION NIXON is back from Europe. She made one picture abroad and plans to leave in a few days for the coast.

TED LEWIS will rush back from Boston Friday morning to start a week at the Capitol.

RUBY KEELER will leave for the coast next week to start work in "Sweethearts Forever" for Warners.

Expect Early Ruling On Statewide Offer

MILWAUKEE, Oct. 18.—The referee in bankruptcy is expected to turn in a decision by Oct. 23 concerning the offer made Oct. 16 of $16,000 in cash for the bankrupt Statewide Theatres, Inc., by Wisconsin Amusement Enterprises, Inc. The offer provides for the withdrawal of all claims of Fox-Wisconsin Co., Wisconsin Amusement Enterprises, Wesco Corp. and Fox Film.

Opinion of creditors regarding the offer was divided at the hearing held here Oct. 16. Although the roll call indicated that a larger number of creditors favored the rejection of the offer, it is believed that those favoring the settlement represent the greatest amount of claims against the bankrupt. Final settlement hinges upon the decision of Milton J. Knoblock, referee.

Metzger to San Diego

SAN DIEGO, Oct. 18.—Arthur S. Metzger, at one time manager of the Paramount-Publix real estate department, midwest division, has arrived here from Kansas City and has been appointed manager of the New Spreckels. His brother, Lou B. Metzger, operates the house.

Middletown Strand Open

MIDDLETOWN, O., Oct. 18.—The Strand, recently leased by the Taft circuit, has reopened with pictures, and will soon inaugurate a stage policy as well. Plans call for musical tabs, booked from the Gus Sun office.

"Chi" Opens in Concord

CONCORD, N. H., Oct. 18.—Monogram's "Sweetheart of Sigma Chi" was the opening attraction of the new Concord last night.

Hope to Have Code Settled By Saturday

(*Continued from page 1*)

tistics secured from the industry under a pledge of secrecy.

The legal division of the recovery administration also is studying the film code but will not prepare a report on it until after the document has gone to Administrator Johnson. Following its approval by the administrator the code goes to the White House for the President's approval, becoming effective 10 days thereafter.

Still Hearing Objections

Although consideration of the code is nearing its conclusion, Rosenblatt is still meeting with representatives of the industry who have objections or suggestions to make, and on Thursday he will confer with the independent fusion group on the code analysis prepared by it. He will not, however, hold up the code for the Allied States meeting scheduled for Oct. 24 in Chicago, and it is indicated that few changes are now to be expected as a result of the representations still being made by industry members who are still here.

While there is a bare possibility that the code may be ready for submission to Administrator Johnson on Friday, the general expectation here is that it will not reach him before Saturday or Monday.

Pay for Extras' Long Interviews Provided

Compensation for extras where interviews on prospective jobs run beyond one hour and a half is provided for in the third NRA revision of the code. This change is covered in the following new provision:

"Transportation to and from location shall be paid to 'extra players'. There shall also be paid to 'extra players' for interviews and fittings the payments provided for in Order 16-A of the Industrial Welfare Commission of the State of California; and in the event that any interview extends beyond one and one-half hours, the 'extra player,' although not engaged, shall receive not less than one-fourth of a day's pay, and if any interview shall extend beyond two hours, the 'extra player' shall receive an additional one-fourth of a day's pay for every additional two hours or fraction thereof."

Hays Member Lawyers Discuss 3rd Revision

Lawyers of the Hays member companies met at association headquarters yesterday afternoon to go over the third NRA revision of the code.

While many of them were familiar with changes in intent and phraseology, a number had left Washington after publication of the second draft and, therefore, were not fully aware of such changes as had been made.

Cancellation Privilege in New Dress; Clause Altered

Restrictive conditions of play and price will determine the factors under which an exhibitor may cancel pictures, the third revision of the NRA code provides.

Whereas in Draft No. 2, the exhibitor was permitted to cancel out one for each 10 per cent specified in his contract, the third draft eliminates the percentages and stipulates the cancellation is effective on the basis of one picture in each group of 10.

How religiously the exhibitor lives up to the letter of his contract will have an important bearing on his elimination right, as well. The $250 average price, or less, is unchanged, but many of the conditions governing the clause are not. The new text follows:

PART 3—No Exhibitor or Distributor shall induce or seek to induce the breach of any subsisting contract licensing the exhibition of motion pictures.

PART 4—No Exhibitor or Distributor shall give any gratuity or make any offer of any gratuity for the purpose of procuring advantages that would not otherwise be procurable, or as an inducement to influence a Distributor or Exhibitor, or representative of either not to deal with any competing or other Exhibitors, or Distributors.

PART 5—No Exhibitor or Distributor shall make any disclosure of box office receipts for publication except necessary reports to stockholders, credit and governmental agencies and to other like bodies. No Exhibitor or Distributor shall be responsible for disclosures in violation of this PART made by agents not authorized to do so.

PART 6—

(a) If in any license agreement for the exhibition of feature motion pictures the Exhibitor has contracted to exhibit all of the motion pictures offered at one time by the Distributor to the Exhibitor and the license fees of all thereof average $250.00 or less, the Exhibitor shall have the privilege to exclude from such license agreement not to exceed ten percent (10%) of the total number of the motion pictures so licensed; provided the Exhibitor

(1) is not in default under such license agreement, and

(2) shall have fully complied with all of the provisions thereof, if any, for the exhibition of such motion pictures at specified intervals.

(b) Such privilege of exclusion may be exercised only upon the following terms and conditions:

(1) The Exhibitor shall give to the Distributor written notice of each motion picture to be excluded within fourteen (14) days after the general release date thereof in the exchange territory out of which the Exhibitor is served.

(2) The Exhibitor may exclude without payment therefor one (1) motion picture of each group of ten (10) of the number of feature motion pictures specified in the license agreement provided he has paid for the other nine (9) of such group.

(3) If such privilege of exclusion is not exercised as provided in paragraph (b) (2) above, the Exhibitor may nevertheless exercise such privilege by paying the license fee of each motion picture excluded with the notice of its exclusion. In such case, such payment shall be credited against such tenth or succeeding tenth motion picture, as the case may be which the Exhibitor would otherwise be privileged to exclude as provided in paragraph (b) (2) above.

If the only or last group licensed is less than ten (10) and more than five (5) motion pictures, the privilege to exclude shall apply provided the Exhibitor has paid for all motion pictures but one of such group.

(c) Upon the failure or refusal of the Exhibitor to fully and completely comply with any term or condition of such license agreement, or to comply with any arbitration award in respect thereto, the privilege of exclusion forthwith shall be revoked and the Exhibitor shall be liable for and pay to the Distributor the license fees of all motion pictures theretofore excluded.

(d) If the license fee of any feature motion picture specified in the license agreement is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, such license fee (for the purpose of computing the average license fee of all of the motion pictures licensed) shall be determined as follows:

(1) Average the license fees of all the Distributor's feature motion pictures exhibited upon a percentage basis at the Exhibitor's theatre, during the period of one year prior to the term of such license agreement.

(2) If none of the Distributor's feature motion pictures were exhibited upon a percentage basis at such theatre during said period, average the license fees of all feature motion pictures exhibited upon a percentage basis at such theatre during the said period.

(e) If the rental of any motion picture excluded is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, the sum to be paid by the Exhibitor as provided in paragraph (b) (3) hereof shall be determined as follows:

(1) Average the gross receipts of all the Distributor's feature motion pictures exhibited at the Exhibitor's theatre during the ninety (90) day period preceding the Exhibitor's notice of exclusion, and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(2) If no feature motion pictures of the Distributor were exhibited at the Exhibitor's theatre during said ninety (90) day period, average the daily gross receipts of the Exhibitor's theatre for the period of thirty (30) operating days preceding the Exhibitor's notice of exclusion and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(f) In computing the number of feature motion pictures which may be excluded hereunder, fractions of more than one-half (½) shall be regarded as one (1).

(g) Upon the exclusion of each feature motion picture, the license therefor and all rights thereunder shall terminate and shall revert to the Distributor.

(h) The Optional Standard License Agreement referred to in PART 1 hereof shall be deemed amended by substituting in place of Article FIFTEENTH of such contract provisions of this PART.

Allied "Bungling" Charged in Detroit

(*Continued from page 1*)

new organization was scheduled for Friday.

Today's meeting took a definite stand against Mid-States Theatres, booking combine in which H. M. Richey, business manager of Michigan Allied, and H. C. Ritter, Allied States president, are members. The meeting also criticized Richey for his activities in behalf of Mid-States, and also took exception to Allied States' criticism of Deputy NRA Administrator Sol A. Rosenblatt.

Martin Quigley to Be AMPA Speaker

Martin Quigley, head of *Quigley Publications*, will be the principal speaker at today's meeting of the A. M. P. A. at Sardi's. He will discuss the advertising clause in the industry code.

John Flinn, president, will answer recent criticisms of A. M. P. A. meetings and membership by members of the Columbia staff after consulting with the board of directors.

Actors Again Wire Protest On Article 5

(*Continued from page 1*)

power, and goes on to say that it is the actors' "sincere conviction" that the way to avoid industrial disputes is to eliminate their causes.

"In the face of united employe opposition throughout the industry against Article 5 of the proposed code restricting free bargaining," the wire reads, "we now learn from Washington that Rosenblatt says the article will remain in the code. It was originally conceived by producers and represents an outrageous attack on individual rights of all workers for the betterment of a small group of unscrupulous financiers. It still means that with one stroke of the pen employes could be made slaves.

"This code still legalizes blacklisting, and provides that any film employe, at the will of a jury of employers, may be deprived indefinitely of a livelihood with no legal recourse.

"The guilds are defending low salaried actors and writers as much as artists receiving high salaries. We cannot accept Article 5 in its present form."

Hundreds of Extras Joining Association

HOLLYWOOD, Oct. 18.—Sixteen hundred extras have fallen in line with the Hollywood Picture Players' Ass'n., a unit devoted to the problems of supporting cast and extra players under the NRA, which last week filed a charter in Sacramento.

The association, slated to hold its first mass meeting the latter part of the week, will act as a coordinating and cooperating medium between its members, producers and governmental agencies, according to Eugene H. Marcus, counsel. Eligible for membership are 8,000 recognized extra players.

Serving on the temporary board of directors are J. Buckley Russell, Herta Reinach, W. R. Deming, Robert P. Chapman, Edward Reinach, Starrett Ford, S. Maine Geary, Harry Strathy, Frank Pharr, R. C. Huestis and Richard Kipling.

K. C. Independents May Refuse to Sign

KANSAS CITY, Oct. 18.—A declaration that they will not sign the code unless it is "fair to the independents" have been made by Majestic Film Exchange and Associated Film Distributors here.

Robert F. Withers, manager of Midwest Film Distributors, Monogram franchise holder, who has been heading the independent exchanges' fight locally, says recent reports he has received from the east indicate the code will not be unfair to the independents and for that reason he intends to sign it.

Kansas City independent exchanges were among those who sent wires to President Roosevelt last week protesting omission of a double bill clause and certain provisions of the Rosenblatt draft as "ruinous to the independents."

TELL THEM!

EXPLODING INTO A MILLION LAUGHS

FLASH! Hollywood Star Loves Duke!

FLASH! Dogs and Relatives Drive Film Beauty Nuts!

FLASH! "I want a Baby" says Mad-cap Screen Star!

Jean HARLOW
Lee TRACY

BOMBSHELL

Gentlemen prefer platinum blondes! Lola Burns was the bombshell of Hollywood! She had Dukes and sheep-dogs, press-agents and relatives, romances and double-exposures . . . and it all became front page news! More fun than you've had in a month of picture-going!

Metro-Goldwyn-Mayer's SCREAMIE!

with
FRANK MORGAN
FRANCHOT TONE
UNA MERKEL
PAT O'BRIEN
TED HEALY

A VICTOR FLEMING Production
Associate Producer HUNT STROMBERG

PLATINUM T. N. T. ON THE RAMPAGE!

WAS HER FACE RED? ASK LOLA!

MARRIAGE PROPOSALS BY THE DOZEN!

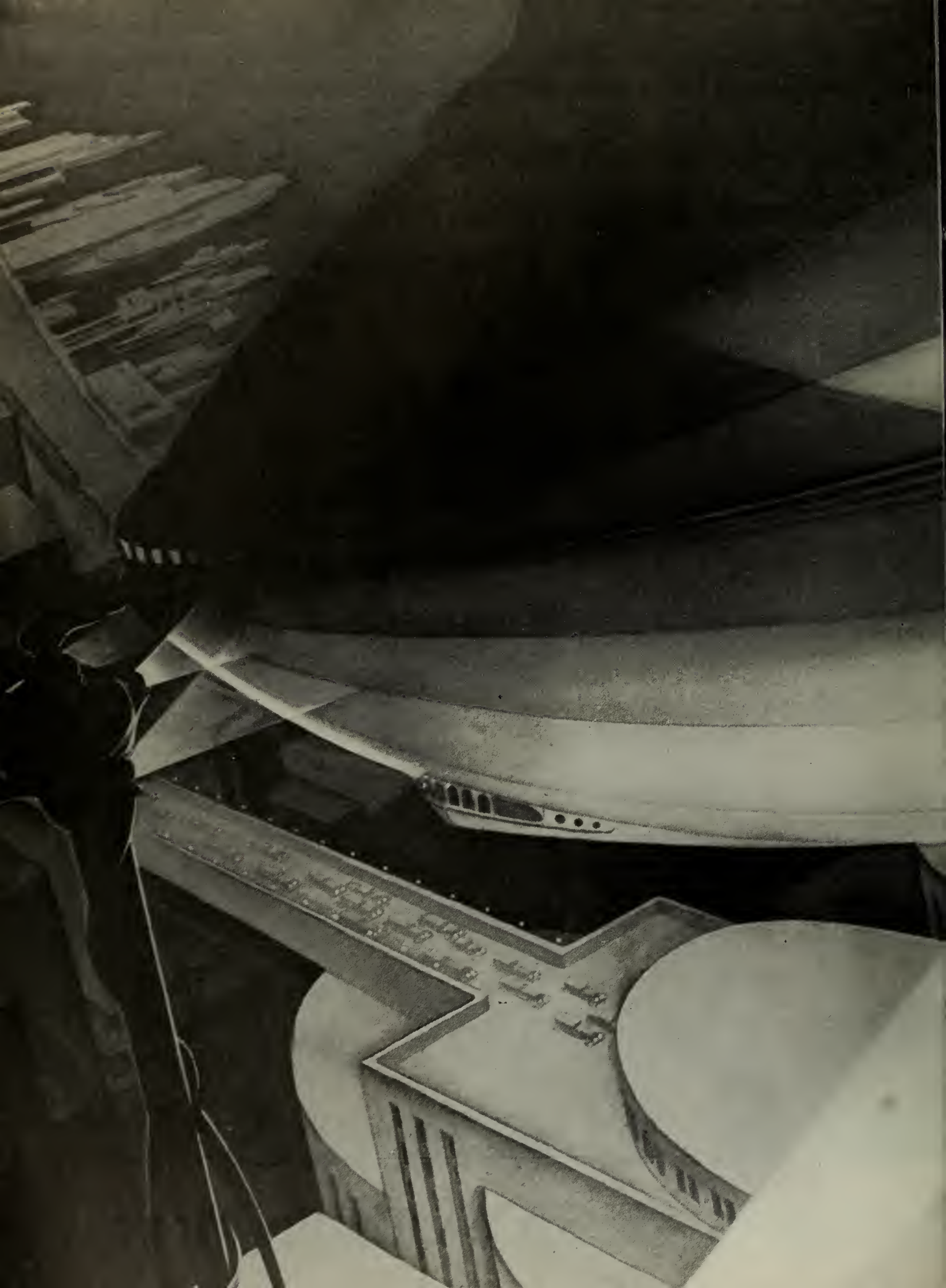
Size — 3 Cols. x 170 lines

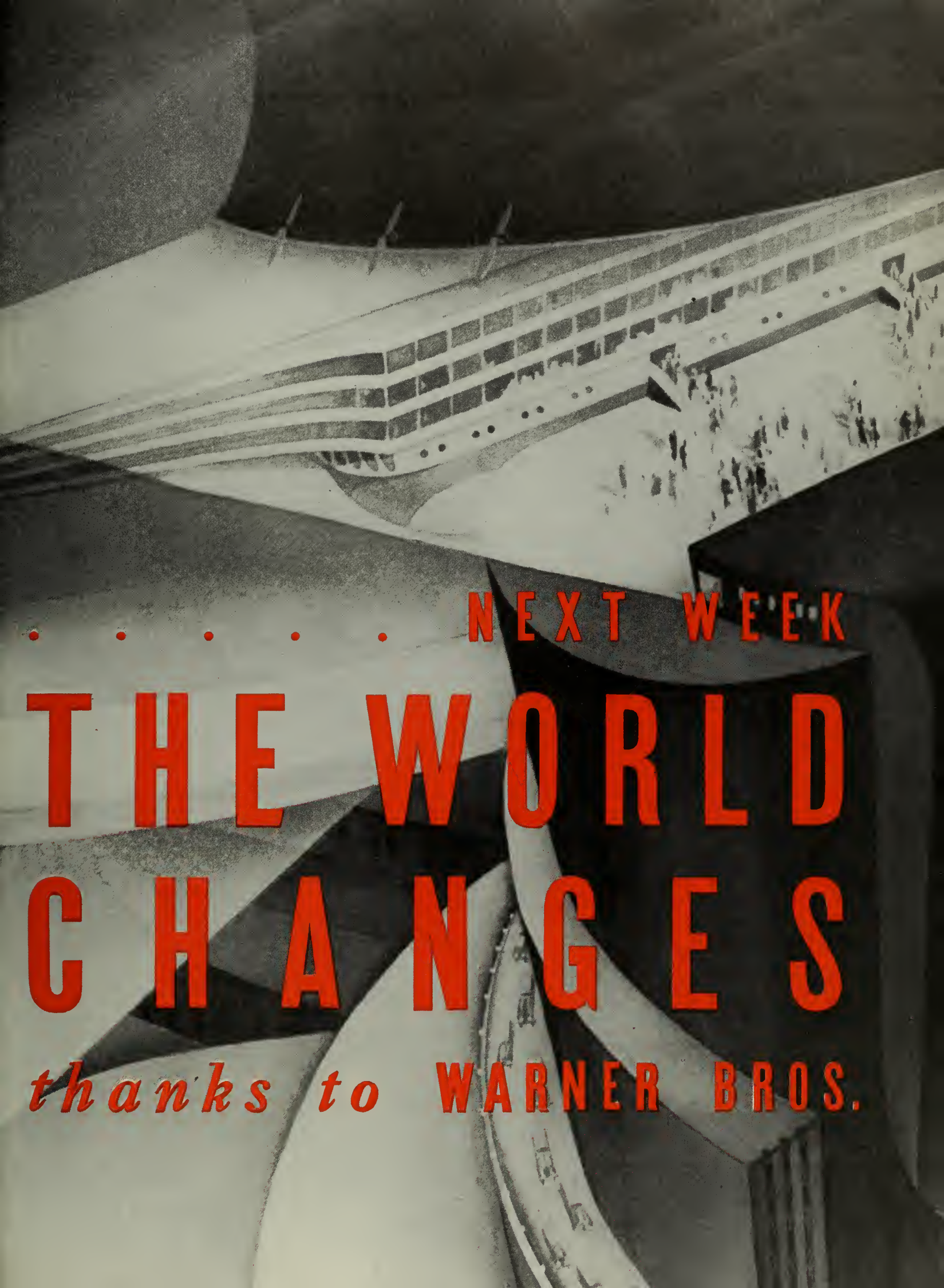
BOMB

Another 10th Championship Year

SHELL

it from Metro-Goldwyn-Mayer




. . . . . NEXT WEEK
THE WORLD
CHANGES
thanks to WARNER BROS.

McDonough Is Put in Posts Of Franklin

(Continued from page 1)

of Keith-Albee-Orpheum, B. F. Keith Theatres Corp., and Radio City Theatres, Inc., and affiliated theatre companies, and vice chairman of RKO Radio Pictures.

McDonough, a former RCA executive, went into RKO several months ago at Aylesworth's invitation. Prominently mentioned in connection with the RKO theatre operating post under McDonough are Nate Blumberg, Orpheum Circuit operator now in Chicago; Charles D. Koerner, RKO New England district manager, and Phil Reisman, who has been serving as assistant to Franklin for several months.

Pix Will Test Some Demountables Here

(Continued from page 1)

year, John S. Clarke, president, said yesterday.

The first of these will probably be established in a neighborhood section of New York, it was said.

Pix will not only market the houses but will also maintain a film booking office and advertising department here as a service to exhibitors operating the demountables. Included with the structures will be complete theatre equipment, such as seats, projection machines and sound equipment. The standard size demountable will be of 283 seats, with structures up to 600 seats planned for the future.

The company's plans, Clarke said, are to replace obsolete houses with the demountables with their modern theatre equipment and design at a cost of less than $50 per seat. It is believed that a market for about 1,000 of them exists in rural and neighborhood sections. The structures can be transported to new locations if original ones prove unprofitable, Clarke said.

Frank R. Wilson, former president of Principal Distributing Corp., is vice-president of Pix and J. M. Fassett is secretary-treasurer.

Shifting St. Louis Orchestras Sought

ST. LOUIS, Oct. 18.—Alternating orchestras for the purpose of spreading employment is being sought by the musicians' union here. It is said that of 1,100 union musicians here about 500 are out of work at present.

The union leaders figure alternating orchestras would furnish part time work for 85 more men. The current scale is $75 per week.

Cincinnati Men Form Variety Club Branch

CINCINNATI, Oct. 18.—A Variety Club, to be affiliated with the club at Pittsburgh, as well as the organizations at St. Louis and Columbus, was formed here this week with a representative charter membership of theatre, exchange and newspaper men.

Bill Gehring, Fox manager, was appointed temporary president.

Those Scribes

Hollywood, Oct. 18.—An inter-office memorandum is floating around Fox Studios to the effect that one of the local scribes picked up an ash tray and standard on his way out after a studio preview and the corporation would appreciate any information leading to the apprehension of the culprit.

Chase Film Moves Coming Up Friday

(Continued from page 1)

Theatres securities, which were heavily written down, the exact amounts written off not being disclosed. However, it was asserted by W. W. Aldrich, president of the bank, that the securities today are worth more than the amount written off.

Loew Midland Suit Goes Over 10 Days

(Continued from page 1)

postponed 10 days in Circuit Court here today.

That Loew's intends vigorously to resist the receivership action is indicated in the fact that James A. Reed, former United States senator, has been retained as counsel by Leopold Friedman, general counsel for Loew's.

I. J. Ringolsky, chief counsel for the plaintiffs, denies reports that Shanberg and his associates are seeking to obtain operating control of the Midland and the office structure adjacent to it. The attorney asserts his clients seek only distribution of accumulated dividends. He declares he knows nothing about the rumors that Loew's may relinquish interest in its properties here.

Drawing Power Sets Salary, Says Beery

KANSAS CITY, Oct. 18.—Wallace Beery believes a star who is a box-office draw should receive a salary commensurate with his drawing power. He expressed that opinion on the interest taken by the Administration in salaries of front rank actors.

"Perhaps there should be some control of salaries paid to juveniles," he said. "Some of the children have parents or guardians wise enough to put some of the money away in a safe place. For the benefit of those young actors who will not benefit from their earnings in the future, maybe some control should be established.

"In my case, I have climbed from the lowest rung in the ladder to what I have now. I feel I have earned good fortune. My acting is something individual with me. If I invented something, I would expect returns proportionate to its value to the world."

Science Film for M-G-M

HOLLYWOOD, Oct. 18.—M-G-M is planning a short subject dealing with marvels of scientific research, which will go into production under the supervision of Jack Cummings.

Demonstrations will be by Robert O. Ragsdale, formerly engaged in research for the Ford Motor Co.

Trade Board Probe Of Salaries Begun

WASHINGTON, Oct. 18.—Investigation of salaries paid executive officers and directors of corporations engaged in interestate commerce, other than public utilities, having capital and assets of more than $1,000,000 in value, whose securities are listed on the New York stock or curb exchanges, is being made by the Federal Trade Commission, acting under authority of a resolution passed at the last session of Congress.

For purposes of investigation, salary will be held to include any compensation, fee, bonus, commission or other payment, direct or indirect, in money or otherwise, for personal services.

A questionnaire asking for information as to salaries is being distributed among some 2,000 corporations listed on exchanges. Returns are to be in the hands of the commission by Oct. 25, and a report will be made to the Senate at the beginning of January.

The questionnaire calls for the following information: total assets, net sales, net income, number of directors and executive officers and total compensation for the years 1928-32, inclusive; names and official positions of directors and executive officers and the compensation of each last year; the cash value of all compensation other than salaries at the time compensation was paid or delivered to directors or executive officers last year; description of special compensation to directors and executive officers; rates of compensation of directors and executive officers in effect Sept. 1, last.

Big Turnout Looked For in Ohio Tax Row

CINCINNATI, Oct. 18.—The entire membership of the newly-formed Ohio Valley Independent Exhibitors' League, an amalgamation of the Ohio Allied unit and the Greater Cincinnati M. P. Exhibitors' Ass'n., is planning to attend the statewide meeting at the Deshler-Wallick, Columbus, on Oct. 31, to devise ways and means of combatting the 10 per cent state admission tax, which became effective Sept. 1. Independent exhibitors throughout the state are cooperating, both through organizations and individually.

Pending action by exhibitors, it is understood that Sam Lind, interested in several houses at Zanesville, O., proposes to make a test case of tax collections and reports.

Exhibitors estimate that their business has decreased approximately 30 per cent by reason of the admission impost.

To Lecture on "Mickey"

BUFFALO, Oct. 18.—Exhibition of Walt Disney's original "Mickey Mouse" and "Silly Symphony" drawings in the Albright Art Gallery has aroused considerable controversy among Buffalo artists and art patrons. Director Gordon B. Washburn will give two lectures Oct. 20 on "The Art of Mickey Mouse," which has stirred up a lot of criticism, and been as warmly defended. All of which is not making Jack Kaplan, manager of the Buffalo United Artists exchange, feel bad.

Says Latins Ask Quality, Bar Dubbing

The demand in Latin America is for "quality pictures" in English of American make, Monroe Isen, manager for Universal in South America, told MOTION PICTURE DAILY yesterday. "There is no market in South America for dubbed pictures," he asserted, adding that of all films screened in the theatres of the continent 90 per cent are produced in the United States.

"First run houses," said Isen, "won't show dubs. Quality pictures in English meet with greater acceptance than dubbed pictures, even though the latter are in the native tongue."

The popularity of American films among South Americans is ascribed by Isen to the fact that "they are becoming educated to our pictures." Their liking for the Hollywood product is such, according to him, that they have no appreciation for films made in South America in their native tongue. The reason for this, he indicated, was that the films turned out by native producers—amounting in all to not more than half a dozen a year—were regarded as totally inferior to those imported from the United States.

Like Comedy Best, He Says

Isen said that while all types of American pictures were popular among Latin Americans, comedies were primarily favored because comedy is best able to hurdle the barrier of languege, being easiest to understand. He declared "more pictures are released in South America in any given month than in any other part of the world." He gave the number as 30 a month on the average.

Theatre attendance in South America dropped 30 to 50 per cent this year, Isen revealed. His explanation why poor theatre business had not been felt there sooner was that "the depression seems to have been slow in reaching South America."

On his first visit to the United States in three and a half years, Isen plans to spent more than a month in New York before returning to his headquarters in Buenos Aires. He is lining up new Universal product for the South American market.

"Angel" Passes Censors

HOLLYWOOD, Oct. 18.—Paramount's furrowed brows, caused by anticipated action on the part of censor boards on the current Mae West picture, are smooth again. The censor boards of New York, Pennsylvania, Illinois and Kansas have passed on "I'm No Angel" without a single cut. The Ohio censor board cut one line.

M-G-M Fire Injures Five

HOLLYWOOD, Oct. 18.—Fire of unknown origin in the scene dock at M-G-M this morning slightly injured five workmen. Damage was estimated at $5,000.

20th Takes U. A. Lease

HOLLYWOOD, Oct. 18.—Twentieth Century today closed a deal taking lease on United Artists studio property from Douglas Fairbanks and Mary Pickford.

Censors Here Ban 10, Cut 317 in Year

(*Continued from page 1*)

for other reasons were: 917, "tending to incite crime"; 569, "indecent"; 360, "inhuman"; 58, "obscene," and seven, "sacrilegious."

Classification of films and number of deletions in each group were given as follows: Dramas, 221; comedies, 42; comedy dramas, 21; scenic, 11; serials, five; educational, three; novelty, three; miscellaneous, 22. No deletions were made in cartoons.

Receipts of the board for the year totalled $226,834, the report shows. Expenditures were $65,136, leaving a net revenue for the state of $161,697, an increase of $487 over the previous year. Total receipts since organization of the board have been $2,447,699, which, with total disbursements for the period of $929,605, makes a net revenue for the state of $1,518,093 for the 12 years of the board's existence.

Eliminations 3,035

The total number of eliminations ordered by the board during the year was 3,035, of which 1,793 were deleted scenes and 1,242 were dialogue eliminations. Sound films comprised 1,685 of the 1,762 total of films licensed, and eliminations were ordered in 317 of these. There were 77 silent films and eliminations in 11 were made.

The report states that 31 requests for re-examinations of films in which eliminations had been ordered were made, and one further appeal to the Board of Regents was made during the year, with what results it is not noted. No court proceedings were instituted during the year as a result of the board's rulings, it is stated.

The report notes that the board's reviewing staff is undermanned and, in view of the 8,916,000 feet, or 1,689 miles, of film inspected during the past year, "at least two reviewers" should be added to the staff.

Checking Staff Too Small

The report also calls the board's present inspection staff, delegated to checking on theatres and film storage vaults, as "altogether too small to adequately cover the theatres of the state." It notes that a neighboring state with fewer theatres has an inspection staff double New York's, and declares that many instances are found of theatres exhibiting pictures without the prescribed license leader or with a leader issued for another film. "Reputable" producers and exhibitors, however, are commended in the report for cooperation.

Engineers to Seek 2,000 Membership

(*Continued from page 1*)

also to effect economies in its operation. Part of the plan calls for the creation of posts for five additional vice-presidents to handle various association departments as aids to Goldsmith. The plan, he said, will be approved in the near future.

Looking 'Em Over

"Big Executive"

(*Paramount*)

The moral of this picture is the Richardsons always get their man, financially and romantically. The man happens to be Ricardo Cortez and the Richardsons are Richard Bennett and Elizabeth Young. Aside from this angle, there is the battle of financial giants, Bennett representing one of the past era and Cortez one of the modern wizards.

Bennett and Cortez become bitter enemies in their stock dealings and the former threatens to wipe the latter out. A romance between Bennett's granddaughter, Miss Young, and the hero develops. This prevents fireworks for a time. While hunting one day Cortez accidentally kills his wife, but he is not convicted. Later, however, a letter written by Dorothy Peterson, the wife, prior to her death turns up which makes the killing appear premeditated. When Cortez shows it to Bennett, the latter resolves to wreck the hero and he does. Still believing Cortez innocent, Miss Young decides to stand by him and deserts her grandfather.

Sharon Lynn, as secretary to Cortez and in love with him, although she loses out to Miss Young, is effective in the small role.

"Man of Sentiment"

(*Chesterfield*)

This is a mixture of a character study of Christian Rub as a hospital recorder and a romance between Marion Marsh and William Bakewell. When Bakewell brings Miss Marsh to the hospital after he has run her down with his car, Rub takes an interest in the couple and watches the romance develop.

The affair runs amuck shortly after when the hero brings the heroine to his home for family approval. Edmund Breese and Emma Dunn, Bakewell's parents, disapprove of the romance, believing that the girl is after the hero's money. Bakewell is put out at this and both lovers decide to wed and start from the bottom. The couple have no money. Miss Marsh calls on Owen Moore, a former lover, for financial aid. Moore frames the meeting by calling Bakewell to his home while the heroine is there. The hero falls for it and calls the whole affair off.

Miss Marsh is brought to the hospital later when she is on the verge of catching pneumonia. Rub visits Bakewell's parents and gets them to lend financial assistance. The hero later turns up and repents at his hasty decision at Moore's home and all's well again between the lovers.

"Harmony" $6,500 Wow in Oklahoma

OKLAHOMA CITY, Oct. 18.—"Too Much Harmony" played to full houses at the Criterion last week, sending the gross to $6,500, above average by $1,500. This is the best business the Criterion has seen since "Tugboat Annie."

"Private Detective 62" at the Capitol was the next best, going over average of $3,000 by $500. The Liberty flopped with "Pilgrimage" the first three days, but "Ann Carver's Profession" the last of the week brought it up to the average of $3,000. The suburban Victoria had one first run, "Halleluiah, I'm a Bum," which took $700 in four days.

Total first run business was $13,700. Average is $11,700.

Estimated takings for the week ending Oct. 14:

"TOO MUCH HARMONY" (Para.)
CRITERION—(1,700). 10c-20c-26c-36c-41c-55c. 7 days. **Gross:** $6,500. (Average, $5,000.)

"PRIVATE DETECTIVE 62" (Warners)
CAPITOL—(1,200). 10c-20c-26c-36c-41c. 7 days. **Gross:** $3,500. (Average, $3,000.)

"PILGRIMAGE" (Fox)
LIBERTY—(1,500). 10c-15c-26c-36c. 3 days. **Gross:** $1,300. (Average week, $3,000.)

"ANN CARVER'S PROFESSION" (Col.)
LIBERTY—(1,500). 10c-15c-26c-36c. 4 days. **Gross:** $1,700. (Average week, $3,000.)

"HALLELUJAH, I'M A BUM" (U. A.)
VICTORIA—(800). 10c-15c-20c-26c. 4 days. **Gross:** $700. (Average week, $1,200.)

Durante Gets Manager

HOLLYWOOD, Oct. 18.—Jimmy Durante, who heretofore has been his own business manager, has signed an actor-manager contract with Ralph Farnum.

"Mary Stevens" Is Buffalo Sensation

BUFFALO, Oct. 18.—"Mary Stevens, M.D." was a sensation here last week at the Great Lakes. It piled up a gross of $22,300, more than double the usual take, aided by a stage show headed by Earl Carroll's "Vanities."

"Penthouse" was also a remarkable grosser, with a take of $24,400 at the Buffalo. This is $9,400 over average. The stage show was headed by Fred Waring's Pennsylvanians.

Other first runs suffered as a result.

Total first run business was $70,800. Normal, including the Erlanger, is $54,300.

Estimated takings for the week ending Oct. 13:

"PENTHOUSE" (M-G-M)
BUFFALO—(3,500). 30c-55c. 7 days. Stage: Fred Waring's Pennsylvanians, Tom Waring, Poley McClintock, Lane Sisters, Babs, Three Smoothies, Johnnie Davis. **Gross:** $24,400. (Average, $15,000).

"THE POWER AND THE GLORY" (Fox)
CENTURY—(3,000). 25c, 7 days. **Gross:** $5,100. (Average, $6,000.)

"DINNER AT EIGHT" (M-G-M)
ERLANGER—(1,400). 55c-$1.65. 7 days. Twice daily. 2nd week. **Gross,** $7,600. (Average, $10,000.)

"MARY STEVENS, M.D." (Warners)
GREAT LAKES—(3,000). 25c-40c. 7 days. Stage: Earl Carroll's "Vanities," with Ray Bolger. **Gross:** $22,300. (Average, $10,000.)

"ONE MAN'S JOURNEY" (Radio)
HIPPODROME—(2,100). 25c-40c, 7 days. **Gross:** $5,500. (Average, $6,000.)

"INDIA SPEAKS" (Radio)
HOLLYWOOD—(300). 25c-40c. 10 days. **Gross:** $900. (Average for week, $800.)

"SATURDAY'S MILLIONS" (Univ.)
LAFAYETTE—(3,300). 25c, 7 days. **Gross:** $5,000. (Average, $6,500.)

Hollywood Personals

Hollywood, Oct. 18.

BETTY FURNESS, who will play in "Just Off Fifth Avenue," has been assigned by Radio to search for 50 girls in eastern finishing schools for parts in the picture.

EMERSON TREACY, PAUL NICHOLSON, WILLARD ROBERTSON, JAMES FARLEY and SAM GODFREY will have roles in "Wild Birds" (Radio).

CONSTANCE BENNETT's latest film for Radio will be released as "After Tonight," instead of "Without Glory" or "The Woman Spy."

YAKIMA CANUTT, WALLY WALES, LANE CHANDLER and ART MIX are in the supporting cast of "Sagebrush Trail" (Monogram).

LEONARD FIELDS is to become a director for Monogram as soon as he finishes writing "Diary of a Bad Woman."

NORMAN FOSTER is going to Honolulu for a two-week vacation when he finishes "7 Lives Were Changed" (Fox).

WILL ROGERS plans to spend a vacation touring the east by plane as soon as he completes "Mr. Stitch" for Fox.

ROBERT BARRAT, DONALD MEEKER and HOBART CAVANAUGH added to the cast of "Hi, Nellie" (Warners).

GRANT WHYTOCK, film editor, has returned to Hollywood from New York to rejoin Reliance Pictures.

LEW BROWN's return to the Fox lot has reunited the trio of DeSylva, Brown and Henderson.

ROBERT BENCHLEY is doing additional dialogue for "Once Over Lightly" (Radio).

NATALIE MOORHEAD and HERBERT BUNSTON have gone into "Long Lost Father" (Radio).

HENRY O'NEILL and FERDINAND GOTTSCHALK cast in "King of Fashion" (Warners).

R. N. BRADBURY will direct "West of the Divide" and "Blue Steel" (Columbia).

GEORGE WAGGNER is responsible for the dialogue of "Born Tough" (Monogram).

WILLY POGANY signed by Salient Pictures to design the sets for "Mating Time."

GEORGE BERTHOLON has been engaged by Monogram to supervise "The Ape."

DONALD COOK has been loaned by Columbia to Radio for "Fury of the Jungle."

IRENE DUNNE will be teamed with JOHN BOLES in "Stingaree" (Radio).

WARREN WILLIAM has started work in "Bedside" (Warners).

JEAN MUIR goes into "As the Earth Turns" (Warners).

"Berkeley" Is $9,000 High, Philadelphia

PHILADELPHIA, Oct. 18.—"Berkeley Square" got off to a good $9,000 start at the Locust, but bnsiness on the whole skidded here last week. "One Sunday Afternoon" and Aimee Semple MacPherson didn't draw as well as the Stanley bills of recent weeks and "Walls of Gold" was below average at the Fox.

"Emperor Jones" finished with a good $5,500 at the Aldine and "Too Much Harmony" got four days on a second week at the Boyd and is booked to reopen at the Karlton.

Total business was $82,700. Average, $84,400.

Estimated takings for the week ending Oct. 12:

"EMPEROR JONES" (U. A.)
(Second Week)
ALDINE—(1,200), 40c-50c-65c, 6 days. **Gross:** $5,000. (Average, $7,000.)

"THREE CORNERED MOON" (Para.)
(Second Run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,200. (Average, $2,400.)

"TOO MUCH HARMONY" (Para.)
(Second Week)
BOYD—(2,400), 40c-55c-65c, 4 days. **Gross:** $7,000. (Average, 6 days, $12,000.)

"SOLITAIRE MAN" (M-G-M)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Russian Revels, Bob Hall, Four Dobas, Frank Radcliff, O'Donnell and Blair, Strong and Lee, Dorothy Martin & Co., Hilton and Garon. **Gross:** $11,500. (Average, $12,000.)

"WALLS OF GOLD" (Fox)
FOX—(3,000), 35c-55c-75c, 6 days. Stage: Benny Davis and his revue. **Gross:** $15,000. (Average, $16,000.)

"LADY FOR A DAY" (Col.)
(Second Run)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $4,000. (Average, $3,500.)

"DR. BULL" (Fox)
(Second Run)
KEITH'S—(2,000), 25c-35c-40c, 6 days. **Gross:** $5,500. (Average, $5,500.)

"BERKELEY SQUARE" (Fox)
LOCUST—(1,300), 55c-$1.65 (road show), 6 days. **Gross:** $9,000. (Average, $7,000.)

"ONE SUNDAY AFTERNOON" (Para.)
STANLEY—(3,700), 40c-55c-75c, 6 days. Stage: Aimee Semple MacPherson, the Brittons, Rome and Gaut, Ayres and Renee, Oklahoma Dudes. **Grosss** $18,000. (Average, $16,000.)

"WILD BOYS OF THE ROAD"
(Warners)
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $7,000. (Average, $7,000.)

No Cleveland Film Blaze for 8 Years

CLEVELAND, Oct. 18.—There has been no fire in a Cleveland exchange in eight years, according to Mrs. Georgia Moffett, secretary of the Film Board of Trade, who led the observance of Fire Prevention Week here.

She handled the observance in a big way, with a meeting of exhibitors addressed by Fire Chief Granger, a gathering of exchange employes addressed by Judge Lee Skeel, president of the Cleveland Safety Council; a meeting of operators, also addressed by the fire chief; an inspection of all exchanges by the Film Board of Trade, and another inspection by several city officials.

Majestic in St. Louis

ST. LOUIS, Oct. 18.—Majestic Pictures Corp. recently opened an exchange of its own here in the quarters formerly occupied by Educational at 3334 Olive St. Andy R. Dietz is branch manager. George Stern is his assistant.

Key Cities Show Steady Gains Since Low in June

(*Continued from page* 1)

gains were reported in Denver, Kansas City, Los Angeles, Minneapolis, Oklahoma City, Omaha and St. Paul.

How the business for the last two weeks of the 52-week period compared is shown in the following chart:

	Week Ending Sept. 22-23		*Week Ending Sept. 15-16*	
	No. Theatres	Gross	No. Theatres	Gross
Boston	6	$104,500	6	$107,000
Buffalo	6	48,500	6	60,700
Chicago	6	121,500	6	148,800
Cleveland	6	38,300	6	39,600
Denver	5	34,200	5	29,300
Detroit	6	70,400	6	75,900
Indianapolis	4	20,500	4	22,000
Kansas City	4	38,900	4	34,450
Los Angeles	10	108,216	11	97,037
Minneapolis	5	19,400	5	17,800
Montreal	6	43,400	5	43,500
New York	13	296,260	13	322,564
Oklahoma City	4	12,700	3	10,200
Omaha	3	24,225	3	20,500
Philadelphia	8	75,500	8	81,600
Pittsburgh	5	32,500	5	33,800
Portland	5	19,800	6	23,000
San Francisco	7	76,500	7	77,000
St. Paul	4	15,300	4	12,700
Seattle	6	29,250	6	30,750
	119	$1,229,851	119	$1,292,201

Comparative grosses for the last 52 weeks, compiled from day-by-day box-office reports published in MOTION PICTURE DAILY show this:

Week Ending	*Theatres*	*Grosses*
September 29-30, 1932	116	$1,571,308
October 6- 7	119	1,605,873
October 13-14	117	1,592,876
October 20-21	121	1,627,514
October 27-28	121	1,600,607
November 3- 4	121	1,493,036
November 10-11	120	1,471,942
November 17-18	120	1,538,549
November 24-25	120	1,547,874
December 1- 2	122	1,519,928
December 8- 9	117	1,305,929
December 15-16	112	1,154,203
December 22-23	110	1,043,754
December 29-30	124	1,402,633
January 5- 6, 1933	130	1,717,730
January 12-13	127	1,446,319
January 19-20	120	1,424,704
January 26-27	126	1,477,509
February 2- 3	129	1,419,723
February 9-10	128	1,366,431
February 16-17	126	1,378,314
February 23-24	124	1,382,258
March 3- 4	127	1,283,310
March 10-11	123	1,102,745
March 17-18	120	1,085,015
March 24-25	110	1,135,002
March 31-Apr. 1	110	1,179,855
April 7- 8	109	1,139,584
April 14-15	117	1,069,962
April 21-22	120	1,280,229
April 28-29	121	1,174,541
May 5- 6	121	1,133,011
May 12-13	120	1,138,854
May 19-20	120	1,084,172
May 26-27	115	1,004,791
June 2- 3	119	1,042,879
June 9-10	117	948,712
June 16-17	112	992,235
June 23-24	109	1,099,133
June 30-July 1	114	1,058,549
July 7- 8	114	1,104,391
July 14-15	114	1,085,488
July 21-22	118	1,100,357
July 27-29	118	1,058,193
August 4- 5	117	1,024,173
August 11-12	116	1,161,345
August 18-19	115	1,185,230
August 25-26	113	1,169,321
September 1-2	117	1,261,957
September 8-9	122	1,365,105
September 15-16	119	1,292,201
September 22-23	119	1,229,851

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"Bowery" Is Pittsburgh's $14,000 Lead

PITTSBURGH, Oct. 18.—It was all "The Bowery" and "Lady for a Day" here last week. At the Penn, "The Bowery" took $14,000, which almost doubled the previous week's "Stage Mother," while "Lady for a Day," after easing along through the week, wound up strong to get $11,500.

After a great first week, "Dinner At Eight," in its roadshow engagement at the Nixon, fell off to $6,900, but was held over for a third week. This is due to the fact that the house doesn't have a legitimate booking until October 23. "One Year Later" and vaudeville gave the Pitt a nice week a $4,900, while "Love, Honor and Oh Baby" pepped up the Warner slightly to $4,200 after a dispirited week. "Dr. Bull" was all right for the Fulton, gathering $4,800.

Total grosses in six first run houses were $39,400. Average is $37,000.

Estimated takings for the week ending Oct. 14:

"TO THE LAST MAN" (Para.)
DAVIS—(1,700), 25c-40c, 6 days. **Gross:** $2,100. (Average, $2,500.)

"DR. BULL" (Fox)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $4,800. (Average, $4,000.)

"DINNER AT EIGHT" (M-G-M)
NIXON—(2,100), 55c-$1.65c, 12 performances, 2nd week. **Gross:** $6,900. First week, $14,000.

"THE BOWERY" (U. A.)
PENN—(3,600), 25c-50c, 6 days. **Gross:** $14,000. (Average, $12,000.)

"ONE YEAR LATER" (Independent)
PITT—(1,600), 15c-40c, 6 days. Stage: Mel Klee, Robin Sisters, Royal Buccaneers, Foley and LaTour, Renoff and Renova, Rudell and Dunigan and Vernon Rathburn revue. **Gross:** $4,900. (Average, $4,500.)

"LADY FOR A DAY" (Col.)
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $11,500. (Average, $9,000.)

"LOVE, HONOR AND OH BABY"
(Univ.)
WARNER—(2,000), 25c-50c, 6 days. **Gross:** $4,200. (Average, $5,000.)

School Books Taken As Theatre Tickets

MIDDLETOWN, O., Oct. 18.—Roy L. Patterson, manager of the Gordon, independent, has won the gratitude of many needy families here through the distribution of school textbooks, accepted as admissions on two stated days.

The plan had the endorsement of the Board of Education, and hundreds of children, handicapped in their school work by lack of books, were thus able to continue.

Colorado Bans Companies

DENVER, Oct. 18.—Included in the list of 500 corporations barred from further business in the state are seven amusement and allied companies, as follows: Acme Amusement Co., Colonial Pictures Corp., Mountain States Amusement Corp., National Amusement of Kansas City, Oberfelder-Ketcham Productions, Picture Machine Service Corp. and the Universal Amusement Syndicate, Inc.

Hooley in New Post

PITTSBURGH, Oct. 18.—Jack Hooley, who recently resigned as manager of the Sheridan Square, has lined up with the Harris Amusement Co., his former employers, and will guide the Family, directly across the street in East Liberty from his old spot.

"Henry VIII" Boston High With $20,000

BOSTON, Oct. 18.—Grosses continued upwards for the week with a good holiday business on the final day boosting many of the theatres to new marks for the season.

The premiere of "The Private Life of Henry VIII" sent RKO Keith's into first place with $20,000 for the week, $4,000 above average, while the Metropolitan, with "Paddy, the Next Best Thing" was likewise good for $4,000 above average, supplemented by two stage shows, Edouard Bianco and his Argentine Orchestra and Joe Laurie's "Golden Memories."

RKO Boston maintained good business with "Love, Honor and Oh, Baby" going $3,500 above par, while Loew's State, with "The Bowery," was up $2,500.

Total first run business was $109,000. Average is $95,000.

Estimated takings for the week ending Oct. 12:

"LOVE, HONOR AND OH, BABY" (Univ.)

BOSTON—(2,900), 25c-50c, 7 days. Ted Lewis and Musical Klowns. **Gross:** $19,500. (Average, $16,000.)

"WILD BOYS OF THE ROAD" (Warners)
"TOO MUCH HARMONY" (Para.)

FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

"PRIVATE LIFE OF HENRY VIII" (U. A.)

KEITH'S—(3,500), 30c-50c, 7 days, 2nd week. Mr. and Mrs. Jesse Crawford. **Gross:** $20,000. (Average, $16,000.)

"THE BOWERY" (U. A.)

LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $18,500. (Average, $16,000.)

"PADDY, THE NEXT BEST THING" (Fox)

METROPOLITAN—(4,350), 30c-65c, 7 days. Edouard Bianco and Argentine Orchestra, Joe Lauries' Golden Memories. **Gross:** $32,000. (Average, $28,000.)

"WILD BOYS OF THE ROAD" (Warners)
"TOO MUCH HARMONY" (Para.)

PARAMOUNT—(1,800), 30c-50c, 7 days **Gross:** $9,500. (Average, $9,000.)

Charter New N. O. Firm

NEW ORLEANS, Oct. 18.—Road-Show Pictures, Inc., with a capital of $10,000, divided into 100 shares at $100 each, has filed articles of incorporation, showing Henry Lazarus, president; Mrs. Henry Lazarus, vice-president; Isidore Lazarus, secretary-treasurer. The new corporation will buy, build and sell theatres, manufacture, purchase and sell films. Lazarus is owner of the Newcomb, Wonderland and Coliseum, the latter a neighborhood house.

Dicker for Canton House

CANTON, O., Oct. 18.—Negotiations are said to be under way by Young and Rinehart, operators of the McKinley and Mozart, independents, to take over the Grand Opera House, and convert it into a vaudefilm stand.

The house heretofore has been committeed to various policies, some of which were under a cooperative arrangement with union musicians and stagehands.

C.L.&W. Circuit Formed

CHARLOTTE, Oct. 18.—A state charter has been granted to C. L. and W. Theatres, Inc., of which Sam Craver is president. The new company will operate a circuit of seven theatres in North Carolina, Tennessee, South Carolina and Virginia.

"Angel" Hits $50,000 as Loop Trade Smashes Par

All in the Family

Hollywood, Oct. 18.—Shortly after Tommy Young had all of his lower molars knocked out during the filming of a picture, the studio sent the actor a check for $250 to have them replaced. Instead of using the money for himself he sent his wife to the dentist instead, and that is what they call the height of reciprocity.

CHICAGO, Oct. 18.—Mae West in "I'm No Angel" gave B. & K.'s Oriental its biggest week since the house abandoned stage shows and cut admissions. The first week of what promises to be a long run showed $50,000 in the till.

Fortified with strong product and augmented stage shows, Loop houses hung up heavy grosses at practically all spots for the week. At the Chicago, where "Night Flight" was on the screen and Billy Rose's "Crazy Quilt" on the stage the fine figure of $60,000 was recorded. McVickers, which runs rather uncertainly, climbed to $20,000 with "Too Much Harmony." This is good enough to warrant a second week at this spot.

The low priced Roosevelt, running "Penthouse" for its second week in the Loop, registered strong with $16,000.

Total first run business was $178,000. Average is $120,600.

Estimated takings:

Week Ending Oct. 10:

"I'M NO ANGEL" (Para.)

ORIENTAL—(3,940), 30c-40c-60c, 7 days. **Gross:** $50,000. (Average, $23,000.)

"VOLTAIRE" (Warners)

UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $9,000. (Average, $17,000.)

Week Ending Oct. 12:

"NIGHT FLIGHT" (M-G-M)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Billy Rose's "Crazy Quilt" on stage. **Gross:** $60,000. (Average, $34,600.)

"BRIEF MOMENT" (Col.)

PALACE—(2,509), 35c-50c-75c, 7 days. Musical comedy, "Strike Me Pink," on stage. **Gross:** $23,000. (Average, $22,000.)

Week Ending Oct. 13:

"TOO MUCH HARMONY" (Para.)

McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $20,000. (Average, $13,000.)

"PENTHOUSE" (M-G-M)
(Second Loop Week)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $16,000. (Average, $11,000.)

"Emperor" Is Seattle Lead With $5,250

SEATTLE, Oct. 18. — "Emperor Jones" at the Blue Mouse was the week's leading attraction. It was good for a take of about $1,250 over the normal $4,000.

At Hamrick's Music Box, "Goodbye Again" didn't fare quite as well, taking only about $3,750 for the week. "The Power and the Glory" at the Fifth Avenue was average, and "One Sunday Afternoon" at the Paramount somewhat below par. The second week of "Lady for a Day" was good for a total about $4,500.

Total first run business was $29,000. Average is $31,500.

Estimated takings for the week ending Oct. 13:

"EMPEROR JONES" (U. A.)

BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days. **Gross:** $5,250. (Average, $4,000.)

"THE POWER AND THE GLORY" (Fox)

FIFTH AVENUE—(2,750), 25c-35c-40c-55c, 7 days. **Gross:** $7,000. (Average, $7,000.)

"BELOW THE SEA" (Col.)
"THE WORLD GONE MAD" (Majestic)

LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,500. (Average, $4,000.)

"GOODBYE AGAIN" (Warners)

MUSIC BOX—(950), 25c-35c-40c-55c, 7 days. **Gross:** $3,750. (Average, $4,000.)

"ONE SUNDAY AFTERNOON" (Para.)

PARAMOUNT—(3,050), 25c-35c-40c-55c, 7 days. **Gross:** $5,000. (Average, $6,000.)

"LADY FOR A DAY" (Col.)

ROXY—(2,275), 25c-35c-50c, 2nd week, 7 days. **Gross:** $4,500. (Average, first week, $6,500.)

Rosen Sets Up Company

HOLLYWOOD, Oct. 18.—March of Time Productions, Ltd., is the banner under which Al Rosen, local agent, will produce "The Mad Dog of Europe," a story of Germany under the Hitler regime.

The new company has established headquarters at the Associated Studios, where Lynn Rootis preparing the script. Production is slated to start about Nov. 1.

Cataract Theatre Opened

NIAGARA FALLS, Oct. 18.—A. C. Hayman has reopened the Cataract, closed since last spring, at 15c-25c with first run single features on a split week. James Kelly is manager of the Strand as well as the reopened house. Carl Stephanski is his assistant.

Texas Guinan Tips Portland $14,000

PORTLAND, Oct. 18.—This town went wild about Texas Guinan. With "Rafter Romance" on the screen, she sent the Oriental take skyrocketing to $14,000. Normal is $2,000.

"Dinner at Eight" roadshown for one week at Hamrick's with increased prices, was good for $5,000.

The new Levy vaudeville circuit with eight acts brought increased business to the Liberty, with the help of "Torch Singer." The intake was $4,500, or $2,700 over average.

Total first run business was $37,800. Average is $19,600.

Estimated takings for the week ending Oct. 14:

"BERKELEY SQUARE" (Fox)

HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $2,800. (Average, $3,000.)

"RAFTER ROMANCE" (Radio)

HAMRICK'S ORIENTAL—(2,040), 25c-35c-50c. Texas Guinan & Co. on stage. **Gross:** $14,000. (Average, $2,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $6,000.)

"NIGHT FLIGHT" (M-G-M)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000.)

"TORCH SINGER" (Para.)

LIBERTY—(1,800), 25c-35c-40c, 7 days. Vaudeville. **Gross:** $4,500. (Average, $1,800.)

"DINNER AT EIGHT" (M-G-M)

HAMRICK'S PLAYHOUSE — (1,600), 55c-85c-$1.10-$1.65. **Gross:** $5,000. (Average, $1,800.)

"Bowery" Top Frisco Draw; Gets $15,500

SAN FRANCISCO, Oct. 18.—"The Bowery" had them standing in line night and day in its first week here at the United Artists. The figure for the week was $15,500, and would have been more had not the U. A. gone down 15 cents in its general admission to 40 cents top. Had the show been charging the regular 65 cents price in vogue when Charlie Chaplin's picture played, it would have broken the house record made by "City Lights."

The Orpheum, with Al Pearce's radio gang and Rube Wolf's band supplementing "Ladies Must Love," got a very neat $15,000 for the stanza. The Warfield was steady with "Broadway to Hollywood" at $18,000.

Total first run business for 10 theatres was $109,800. Average is $107,000.

Estimated takings:

Week Ending Oct. 10:

"MIDSHIPMAN JACK" (Radio)

GOLDEN GATE—$2,800), 25c-35c-45c-65c, 7 days. Stage: "Salome," Horace Heidt band. **Gross:** $10,300. (Average, $13,000.)

Week Ending Oct. 11:

"BROADWAY TO HOLLYWOOD" (M-G-M)

WARFIELD—(2,700), 25c-35c-55c-65c-90c 7 days. Stage, band, **Gross** $18,000. (Average, $19,000.)

Week Ending Oct. 12:

"LADIES MUST LOVE" (Univ.)

ORPHEUM—(3,000), 15c-25c-35c-40c, 7 days. Stage: Al Pearce Gang, Rube Wolf, girls. **Gross:** $15,000. (Average, $10,000.)

"MIDNIGHT MARY" (M-G-M)

EL CAPITAN—(2,900), 10c-25c-35c-40c, 7 days. Stage: band. **Gross:** $8,500. (Average, $9,000.)

"TOO MUCH HARMONY" (Para.)

EMBASSY—(1,380), 30c-40c-50c, 7 days. **Gross:** $4,000. (Average, $8,000.)

Week Ending Oct. 13:

"DINNER AT EIGHT" (M-G-M)

COLUMBIA—(1,200), 50c-75c-$1.50, two-a-day, 2nd week. **Gross:** $8,000. (Average, $10,000.)

"BRIEF MOMENT" (Col.)

FOX—(4,600), 10c-15c-25c-35c, Fio-Rito band, girls. **Gross:** $10,500. (Average, $9,000.)

"MY WEAKNESS" (Fox)

PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days. **Gross:** $15,000. (Average, $15,000.)

"CAPTURED" (Warners)
"GOLDEN HARVEST" (Para.)

ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $5,000. (Average, $6,000.)

"THE BOWERY" (U. A.)

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $15,500. (Average, $8,000.)

Neth Drops Vaudefilm

COLUMBUS, Oct. 18.—J. Real Neth has discontinued the vaudeville policy at the Hartman, which he reopened last month, in favor of musical stock offerings, interspersed with traveling musical comedy and legitimate attractions, with a scale of 22 to 44 cents, including state tax, for the resident company, and $1 to $2.50, plus tax, for the traveling organizations.

Wichita Man Files Suit

WICHITA, Oct. 18.—George Siedhoff, Wichita hotel owner, is suing to recover $6,146 assertedly due him for bills paid in the construction of the Uptown, now a Fox house. Validity of the claim is disputed by the defendants, Robert Campbell, Charles H. Smyth, C. J. Smyth, C. H. Brooks, Willard Brooks and Standish Hall.

HE PUTS HIS FOOT IN IT!

Groucho as Rufus T. Firefly, dictator of Fredonia, keeps the door open for further negotiations with the First Lady of the Land in PARAMOUNT'S "DUCK SOUP." Directed by Leo McCarey.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 94 NEW YORK, FRIDAY, OCTOBER 20, 1933 TEN CENTS

Quigley Urges "Ad" Code Be Given Meaning

Present Rules "Hollow, Insincere" Gesture

The advertising code of ethics should be given meaning in order that the industry "shall no longer merit the sort of criticism which has been levelled against its advertising and publicity," Martin Quigley, head of Quigley Publications, said yesterday in addressing the A. M. P. A. at Sardi's.

Declaring that he was familiar with the circumstances which, in 1930, caused the industry to adopt the existing advertising code of ethics, the publisher characterized the document as a "hollow and insincere gesture to certain quarters," and urged A. M. P. A. members to demand the rights which their responsibility under the NRA

(*Continued on page* 4)

Many Reopenings Mark K. C. Pickup

KANSAS CITY, Oct. 19.—Numerous theatre reopenings are one of the results of the general improvement in business conditions in this territory. More are expected, including the Empress, Pantages and Fox Pantages here.

Salient points in the optimistic vista are:

Guarantee by the government of $31,000,000 in adjustment payments to

(*Continued on page* 4)

Southeastern Asks Others to Sessions

ATLANTA, Oct. 19.—Invitations have been sent out by Col. Thomas E. Orr, president of Southeastern Theatre Owners' Ass'n., to the Tri-States Theatre Owners' Ass'n. and the North

(*Continued on page* 4)

The Source?

Ann Rommel is author of "Who's Afraid of the Big Bad Wolf," song hit from "Three Little Pigs," that has taken the country by storm.

Miss Rommel is sister of Sol. A. Rosenblatt, but whether she got the idea from the deputy's technique is not on record.

Will Sign Here

Major companies are expected to sign the industry code in New York. No further trips to Washington are necessary.

Washington, Oct. 19.—The code may be signed here or in New York. The city of signing makes no difference to Deputy NRA Administrator Sol. A. Rosenblatt.

The code contains a provision which bars anyone who has not signed it within 45 days after it is approved by the President from filing complaints with grievance boards, zoning boards and the code authority. Complaints, however, may be filed against such parties by code signers.

Warners Put First of Own Checkers Out

With dispatch to the Middle West earlier this week of a vanguard of checkers, Warners are moving along on plans to maintain their own organization, independent of Ross Federal Service, Inc., and the Burns Agency. R. W. Budd will handle the development for the distributor.

The scheme calls for permanent maintenance of supervisors stationed throughout the country. Checkers will be taken on as required in various towns, using either local bank representatives or men on the civil service list on a per day basis.

"Angel" Flies to New High Out in Denver

DENVER, Oct. 19.—"I'm No Angel" broke the house record at the Denham opening day and started out even better the second. A midnight preview was sold out in advance and there were standouts for every one of the six opening day shows.

The picture is being held indefinitely.

"Angel" Packs Three Theatres in Houston

HOUSTON, Oct. 19.—Houston joined the "big parade" to see Mae West in "I'm No Angel" when 6,100 paying customers saw three simultaneous previews of the film at midnight. These

(*Continued on page* 4)

CODE DELAYED FOR MORE CONFERENCES

Atlanta Sees No Increases In the Offing

ATLANTA, Oct. 19.—No admission hikes are contemplated here, according to heads of theatres. However, a realignment of affiliations with three first run houses has resulted in a slight advance in scales at the Fox, until recently operated by a Shrine Mosque holding committee and charging 20 cents for matinees and 30 cents nights. This 4,500-seat semi-suburban de luxe house has been taken over by R. B. Wilby, and prices are now 35 cents matinee and 40 cents evenings, with a 25-cent admission to the balcony at all times.

Wilby already had under lease the Georgia, former Keith vaudeville house, and the Paramount, a de luxe Publix house, both showing first runs. Under the new alignment the pick of five producing companies will be shown at the Fox, next choice to the Paramount and third choice and subsequent runs at the Georgia. Prices at the Paramount will

(*Continued on page* 4)

Argentine Embargo Effect Stirs Worry

A serious, cumulative effect on the foreign revenues of the industry is likely as a result of the money embargo put into force by Argentina, according to Major Fred Herron, head of the foreign department of the M. P. P. D. A.

Several American distributors are known to have withdrawn funds from Argentina within the past two or three months, but others are known to have sizeable amounts on hand

(*Continued on page* 4)

Biograph Revamping Nearing Completion

Renovation of the old Biograph studio here, recently taken over by Consolidated Film Industries, is nearing completion and negotiations for leasing facilities to independent producers are being advanced.

Indications are that efforts will be made to induce Broadway producers to use the plant for film versions of stage productions. H. J. Yates, Consolidated president, is devoting considerable time at present to the studio project.

Rosenblatt Drops Report To Hear Protests by Independents

WASHINGTON, Oct. 19.—Suspending the writing of his report on the film code for Administrator Hugh S. Johnson, Deputy NRA Administrator Sol A. Rosenblatt late this afternoon began what promised to be a long conference with a number of independent exhibitors who are in Washington to protest against a number of provisions in the final draft.

The already much discussed points of double features, the right to buy and other subjects emphasized by independents were expected to come up for renewed conversation during the conference, but there is little probability that the meeting will result in any important amendment to the code, which Rosenblatt now is anxious to get off his hands and on its way to the White House.

Among those present at the conferences were W. Ray Johnston, president of Monogram, and Herman

(*Continued on page* 4)

20th Century May Buy U. A. Studios

HOLLYWOOD, Oct. 19.—In another of its rapid expansion moves 20th Century may take over ownership of the United Artists studio. The plant is owned by Mary Pickford and Douglas Fairbanks, and the deal may involve about $750,000.

Joseph M. Schenck, as head of 20th Century, has just taken a lease on the plant from the United Artists Studio Corp., which includes Miss Pickford, Fairbanks, Charles Chaplin, Samuel Goldwyn, Schenck and others.

Not Far Off

Bank called exhibitor. Theatreman owed bank a lot of money.

"Well," said exhibitor to banker, "what do you think of —— product?"

"What do we know about anybody's product? We're not in the theatre business."

"You will be by Monday," replied exhibitor.

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Advertising Manager

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WE DO OUR PART

Trotta, Lewis Book Out

"Screen Personalities" is the title of an illustrated book by Vincent Trotta, art director for Paramount, and Cliff Lewis, publicity man, just published by Grosset & Dunlap. It is something new of its kind. Each page, 8½x12, is illustrated with crayon drawings of well known players and inserts showing highlights of their careers, and with descriptive personality material typed in. There are 100 full page illustrations. It is designed for fan appeal, but may be useful to film critics as well.

—J. M. J.

Goldman Sells 2 Reeler

Paul Goldman has just completed a two-reel subject, "Below the Deep," with Richard Arlen. He is releasing it on the state rights market and has just booked the entire Warner group in Philadelphia.

Form New Warner Co.

WILMINGTON, Oct. 19.—Warner Brothers-First National (Philippines), Inc., has been chartered here with a capitalization of $10,000. Incorporators are C. S. Peabbles, L. H. Herman and Walter Lenz.

Skourases Get Para. List

Skouras Brothers yesterday signed for all of Paramount's product for its local houses.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Looking 'Em Over

"Aggie Appleby, Maker of Men"

(*Radio*)

What seems to be a formidable title conjuring mental pictures of a square-chinned woman who guides the destinies of men is in this case merely the introduction to a series of laughs. Aggie (Wynne Gibson) has a man who is too rough to suit her. She gets another (Charles Farrell), who is too meek, and tries to make him like the first. When she finally goes back to the roughneck (William Gargan) she tries to make him something like Farrell. It's the shopping instinct idea and seemed to please an RKO Music Hall audience yesterday.

Flappers may be disappointed by the abrupt ending, because all the scenes seem to be building up to a happy romance between Miss Gibson and Farrell.

When Gargan is jailed at the start for beating up a squad of policemen Miss Gibson goes hungry and sleeps outdoors until Zasu Pitts, maid in a theatrical boarding house, takes her in and puts her to bed in the room of a boarder she thinks is out for the day. Farrell, scion of an old family, walks in and finds her there. The next day she buys him a striped suit and silk shirt, throws his glasses away and gives him the name of Red Branahan. In no time he is boss of a tough construction gang.

By the time Gargan gets out of jail Miss Gibson thinks she is in love with Farrell and he sets out to beat up Gargan. Light, but entertaining.

Three of Richmond Theatres Reopening

RICHMOND, Oct. 19.—Three reopenings are set within the next few days. The Broadway is scheduled to go back into service Friday night.

The National, recently redecorated by Wilmer & Vincent, and with new seats, new sound and other features, will have a formal reopening Monday. A vaudefilm policy with three shows a day is to prevail, and a nine-piece orchestra will be used.

Reopening of the Colonial, originally set for Friday, has been put back to Oct. 27.

Zanuck to Do 3d Musical

HOLLYWOOD, Oct. 19. — Darryl Zanuck is planning a third musical to follow "Broadway Thru a Keyhole" and "Moulin Rouge." It will be called "The Love School" and was written by Jerome Kingston, who authored "Footlight Parade."

Rialto's Two From W. B.

The Rialto has booked two Warner features for early showings. They are "College Coach" and "The Kennel Murder Case."

Marconi to Be Guest At Studio Luncheon

LOS ANGELES, Oct. 19.—Guglielmo Marconi, who arrived on the coast today, will be guest at a luncheon in the Radio studio tomorrow. The heads of each studio have been invited to participate in the welcome to the scientist. In the evening he will be the guest of Governor Rolph and Mayor Shaw at the Biltmore Hotel here.

Para. Signs Sally Rand

PHILADELPHIA, Oct. 19.—Sally Rand has signed a contract with Paramount for two pictures, the deal being signatured here by Earle Swigart, exchange manager acting for the company. "Bolero" will be her first assignment. The fan dancer contemplates making a tour of several weeks before heading for Hollywood.

Nate Blumberg Here

Nate Blumberg, theatre operator for RKO in the Middle West, is in town from Chicago.

Every Issue Shows Loss

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	19	19	19	—1	100
Consolidated Film Industries	3¼	3	3	— ⅛	400
Consolidated Film Industries, pfd	8⅜	8	8	— ½	700
Eastman Kodak	71½	69	69	—3½	2,400
Fox Film "A"	13⅝	12⅝	12⅝	—1⅜	1,200
Loew's, Inc.	27⅞	25¼	25¼	—3	8,600
Paramount Publix	1⅜	1¼	1¼	— ⅛	1,400
Pathe Exchange	1⅛	1	1⅛	.....	1,300
Pathe Exchange "A"	8	7¾	8	— ⅛	.....
RKO	2¼	2	2	— ¼	400
Warner Bros.	6⅜	5¾	6	— ⅜	18,600

Technicolor Slumps One Quarter

	High	Low	Close	Net Change	Sales
Technicolor	11	10¼	11	— ¼	2,500
Trans Lux	1¾	1¾	1¾	.....	100

Bonds Follow Stocks in Slump

	High	Low	Close	Net Change	Sales
Keith B. F. 6s '46	44⅝	44⅝	44⅝	— ⅛	2
Loew's 6s '41. ww deb rights	84¾	84½	84¾	— ¼	2
Paramount Broadway 5½s '51	29½	28½	28½	—1½	6
Paramount F. L. 6s '47	29½	29	29	—1⅛	10
Paramount Publix 5½s '50	30	30	30	—1¼	10
Pathe 7s '37. ww	80	80	80	—2	2
Warner Bros. 6s '39, wd	41¼	39	40	—1¾	57

Purely Personal

ARTHUR SCHWARTZ, attorney for Chesterfield and Invincible, is back with something approaching a record for code attendance in Washington. SCHWARTZ remained right through all of the sessions from the public hearings clear down the line, not only on behalf of his own companies, but as general "watchtower" man for all independents.

FRANCIS HALLIDAY will play opposite ERNEST TRUEX in "Mister Adams," which Educational places in production today at the Eastern Service Studios.

ARCHIE MAYO, who has been spending a short vacation in New York, returns to Hollywood next week to begin work on Warners' "Blood of China."

MCELBERT, LOWELL BRENTANO and EARLE CROOKER have sold film rights to their play, "Murder in the Air," to Connors-Arnaud.

GEORGE BURNS, GRACIE ALLEN, SHIPWRECK KELLY and SAM JAFFE are on their way to the coast to work in Paramount films.

EDDIE GOLDEN, who was quite sick in the final days of the code siege at Washington, is entirely on the up-and-up again.

BILL WOLF, Erpi's advertising manager, attended the A.M.P.A. yesterday with WALTER EBERHARDT.

PAUL MUNI will fly to New York for the opening of "The World Changes" next Wednesday.

EARLE SWIGART, Paramount Philadelphia exchange manager, was in town yesterday.

HAL HORNE leaves on his semi-annual trip to the coast next month.

HARRY GRIBBEN has started work in a new "Big V" Vitaphone short.

LENORE ULRIC has been signed to a term contract by Radio.

SAM DEMBOW declares he's feeling entirely fit again.

CYRIL CHADWICK is in town from the west coast.

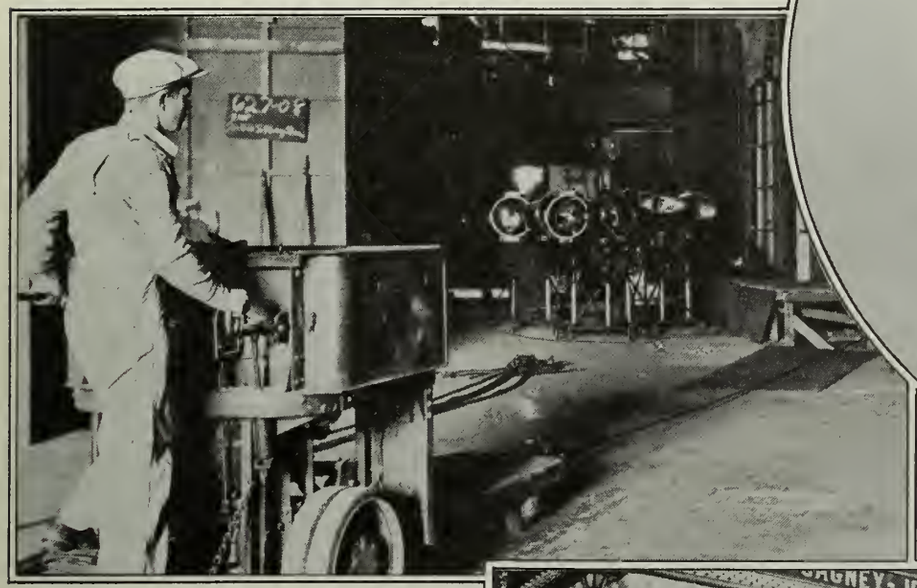
Al Selig Joins Warners

Al Selig has been added to the Warner advertising and publicity department by S. Charles Einfeld as a special exploitation man to handle "Footlight Parade" and "The World Changes." Selig's first assignment will be the handling of "Footlight Parade" at the State in Detroit.

Bachmann to Produce 12

J. G. Bachmann is in town from the coast and plans to produce 12 pictures for the independent market. Financing arrangements are expected to be completed by Saturday when Bachmann is slated to return to Hollywood.

NEWS OF WEEK IN PHOTO-REVIEW



WARNER STUDIO CLEARS DECKS for simultaneous shooting of 8 more new shows, on heels of record production drive which crowded exchange vaults with 12 new unreleased attractions!

IMPORTANCE OF FIRST MUNI SHOW since "Fugitive" inspires new policy of popular price specials at Hollywood Theatre for next week's Broadway opening of "The World Changes".°

9 A. M. LINE at Stanley, Pittsburgh gets "Footlight Parade" latest bigger-than-Gold-Diggers opening, while *Variety* tags key-spot runs as "socko holdover," New York; "big," Newark; "swell," New Haven.*

"ANOTHER SUCCESS for Miss Stanwyck" (*Daily News*); "never made a picture like it" (*Daily Mirror*); "make extra special effort to see her" (*World-Telegram*) sums up New York's outburst of praise for "Ever in My Heart."*

DICK POWELL MAKES GOOD in first dramatic role opposite Ann Dvorak and Pat O'Brien in "College Coach," sensationally different football story which debuts next week.*

CHATTERTON TO HIT BROADWAY SOON in daring man-hunting role in "Female," which *Variety Daily* predicts "should click in all spots".°

"HAVANA WIDOWS"° ARRIVES at Warner home office with "wagon"-load of laughs on same day studio completes Cagney's "The Finger Man"* and "The Big Shakedown".°

*A Warner Bros. Picture †A First National Picture Vitagraph, Inc., Distributors

Code Delayed For Additional Conferences

(Continued from page 1)

Rifkin, manager of the Boston Monogram exchange.

A report on the code from the Consumers' Advisory Board is expected to be submitted to the deputy late tomorrow. When the report of the Industrial Advisory Board will be received is still problematical, but indications tonight are that the code will not be sent along to Administrator Johnson until next week.

Asked again about salary control within the industry, General Johnson tonight told newspaper men he had nothing new to say on the subject. It was explained by Rosenblatt that the clause fixing penalties for producers is in no sense an attempt at limitation of salaries, but is a punishment for the skyrocketing of salaries as an inducement to talent to leave the employ of a producer.

There appears to be considerable confusion as to just how far the penalty clause goes, but it is apparently not the intention of the Recovery Administration to attempt the fixing of maximum salaries, but to end the widespread practice of taking employes away from a competitor by offering them heavily increased salaries. It is also pointed out that there is nothing in the code to prevent a producer from increasing the salaries of his own employees as much as he desires.

Jacob Schechter, attorney for the independents, late tonight issued the following statement after a meeting with Rosenblatt:

"A perusal of the third revision of the code indicates that some effort has been made to meet a few of the objections to the prior revision which were made in our analysis and suggestions. In the main, however, our suggestions have either been ignored or inadequately dealt with. We stand firmly upon the point raised in our analysis and suggestions, as we believe them to be fair, reasonable and equitable. Only through adoption in the code of our suggestions may the independents hope to survive."

Schenck and Goldwyn Move Interests Coast

HOLLYWOOD Oct. 19.—Sharp disagreement on views expressed by major executives at the Washington code hearings, as voiced by Joseph M. Schenck and Samuel Goldwyn late Wednesday night, continued to capture the attention of Hollywood today as members of the film colony had a full day to reflect on what these two topline producing factors had to say.

Southeastern Asks Others to Sessions

(Continued from page 1)

and South Carolina Theatre Owners' Ass'n. to attend the annual convention of Southeastern on Oct. 29-31.

MEMPHIS, Oct. 19.—The annual convention of Tri-State Theatre Owners' Ass'n. will be held here at the Hotel Chisca Oct. 22-23.

Atlanta Sees No Increases In the Offing

(Continued from page 1)

remain 25 cents matinees and 40 cents evenings, and those of the Georgia will be 15 cents matinees and 25 cents nights, with 15 cents to the balcony at all times.

Loew's Grand will probably continue at 25 and 40 cents, with M-G-M and United Artists pictures being shown exclusively. No statement can be made from here regarding price policy, these having to come from New York.

A half dozen suburban houses will continue prices ranging from 15 cents to 25 cents, and the Rialto, a Class B house, with Columbia as its only major product, will continue its 15-cent and 20-cent matinee scale and 15 and 25 cents at night.

Irvington Studios Increase Schedules

Increased producion at the Photocolor studios at Irvington is seen with the schedule just released which calls for three series of 13 one-reelers, "Vagabond," "Musical" and "Poems and Songs." These will be produced by Photocolor Productions, Inc., and directed by William Shilling, under the supervision of F. E. Nemec, general manager.

"The Stool Pigeon" is now being completed there under the direction of Oscar Micheau.

Extras Make a Deal For Joining Guild

HOLLYWOOD, Oct. 19.—A group representing extras has reached a tentative agreement with the Actors' Guild for joining the new organization. Absorption of the extras following a mass meeting to be held tonight will raise the guild membership to about 2,500.

Casting Men Meet To Help Out Extras

HOLLYWOOD, Oct. 19.—Studio casting directors met today to draft resolutions to submit to producers in an effort to better general casting conditions. One of their aims is to have all calls for extras filled through the Central Casting Agency.

Cantor Film Finished

HOLLYWOOD, Oct. 19.—Eddie Cantor's "Roman Scandals" for Samuel Goldwyn has been completed and the star will leave for New York immediately after the preview next week.

Wants Name Changed

HOLLYWOOD, Oct. 19.—Joan Blondell appeared before Jack Warner today asking permission to change her name to Joan Barnes, but met with a refusal. The star is said to be talking the matter over with her attorney.

Colonel Mae West

It's Colonel Mae West now. Yesterday the Paramount star was appointed a colonel on Governor Ruby Laffoon's staff of Kentucky colonels.

Many Reopenings Mark K. C. Pickup

(Continued from page 1)

Kansas wheat farmers in exchange for acreage reduction.

More than $1,500,000 has been distributed to hog producers in the Kansas City trade territory since Aug. 23 as a result of the government hog reduction program.

The state of Missouri's share in the government's public works fund will approximate $125,000,000. This will provide work for thousands in state, county and municipal projects.

Retail department store sales in Kansas City and the 10th Federal Reserve District are showing the greatest gains in dollar volume in recent years, according to the Kansas City Federal Reserve Bank.

An NRA survey showed 10,744 Kansas City firms estimated total payrolls increased by $1,014,323 on Oct. 1, as compared with preceding month, and 10,387 more employes were on payrolls than on July 1.

Construction of county courts building and $4,500,000 convention hall, soon to begin, will absorb hundreds of unemployed in Kansas City.

Automobile registrations in Kansas this year is running ahead of 1932 with 7,040 more vehicles listed than a year ago.

The banking situation in Kansas City has returned to near normal with only one major depository remaining "frozen." One large bank, recently reorganized, has released to customers nearly $12,000,000 of deposits.

Argentine Embargo Effect Stirs Worry

(Continued from page 1)

which now cannot be remitted to them. Any reliable estimate of the amount of American film funds tied up by the Argentine order is impossible at this time, Major Herron said, because of the fact that a number of the distributors operate in the South American country through foreign agencies, and not their own offices.

Argentina is the 27th nation to enforce a money embargo.

Flash Opening Set On "World Changes"

Warners will end the run of "Ever in My Heart" at the Hollywood Sunday night to get the house ready for an elaborate opening of "The World Changes," latest Paul Muni starring vehicle, next Wednesday.

Because the story covers four generations of an American family, the lobby will have a miniature Century of Progress exposition with telegraph instruments, old and new; paintings of Indians sending smoke screens and a collection of old and new automobiles. The front will be done in copper and black. A T.A.T. plane will tow four gliders lighted with Neon signs over Broadway.

Larry Williams Returns

Larry Williams returned yesterday on the *Berengaria* from London, where he photographed London street scenes to be used in "The Great Adventure," being produced at the Eastern Service Studios by Eddie Dowling, Inc.

These new shots will be inserted by a new transparency equipment process.

Quigley Urges "Ad" Code Be Given Meaning

(Continued from page 1)

code has given them. Failing to do so, he said, the organization's duties would be taken over by others with a consequent loss of prestige to the association and its members.

Specific reference was made to the paragraph in the advertising code of ethics which states that "Nudity with meretricious purpose, and salacious postures, shall not be used."

"There is no proper use of nudity in advertising a commodity," the publisher said. "Nudity can only be used for one purpose. This organization should rewrite that clause to make it mean something."

Points Opportunity

He expressed regret that the A. M. P. A. had not participated in the Washington code conferences, but pointed out that with the inclusion in the NRA code of the clause pledging the industry to "maintain the best standards of advertising and publicity procedure" and adhere to regulations developed by the industry, A. M. P. A. members were given a new opportunity and responsibility.

Officers of the organization refuted charges made by members of the Columbia advertising and publicity department in a letter to John C. Flinn, A. M. P. A. president, that the organization was "wanting in usefulness" and was deteriorating from original purposes in admitting to membership others than active advertising and publicity men.

Monroe Greenthal, chairman of the organization's unemployment committee, championed its usefulness with a report that employment had been obtained for 74 members during the year, while Hal Horne, former A. M. P. A. president, presented an analysis of membership which disclosed that of a total of 147 members, 100 were accredited advertising and publicity men. Of the remainder, 24 were press representatives; six were artists; eight were mechanical, and nine were "lay" members.

Lou Goldberg, one of the signers of the Columbia letter, declined Flinn's invitation to reply to these statements. Goldberg declared later, however, that he still was dissatisfied and would head a delegation which would present Flinn with definite recommendations which, he says, would benefit the A.M.P.A.

"Angel" Packs Three Theatres in Houston

(Continued from page 1)

figures represent an all-time record locally for attendance at one film for a preview, and it was the first time one film had ever been shown here at three theatres at one time.

Originally scheduled for the Majestic, the picture was posted for the Kirby also when advance sales demanded a second showing. At 11 P. M. both these houses were sold out, and the demand for more tickets was so great that a third print of the film was opened at the Metropolitan at 11:45 P. M.

The picture opens at the Metropolitan for a week next Saturday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 95 NEW YORK, SATURDAY, OCTOBER 21, 1933 TEN CENTS

Plans for Reorganizing Paramount Coming Soon

Justice Dept. Hears Deputy On the Code

Salaries Discussed with Rosenblatt, Is Belief

WASHINGTON, Oct. 20.—Provisions of the film code today were discussed by Deputy NRA Administrator Sol A. Rosenblatt with officials of the anti-trust division of the Justice Department for some two hours, giving rise to reports that the Recovery Administration is anxious that any clauses which might at any time threaten court action shall be fully satisfactory to the law-enforcing branch of the government.

No information was available as to the subjects discussed, but in view of the knowledge that Attorney General Homer Cummings has submitted

(*Continued on page 3*)

MPTOA Seeks More Revisions of Code

The M.P.T.O.A. continues to find the proposed industry code not entirely to its liking and is understood to have recommended further revisions to Deputy NRA Administrator Sol A. Rosenblatt.

The recommendations developed out of a meeting held in New York by Ed Kuykendall and Fred Meyer and have been forwarded to the deputy in Washington.

Allied Seeking Big Turnout at Chicago

WASHINGTON, Oct. 20.—Allied is making a drive to get a big turnout of exhibitors at the Chicago meeting next Tuesday by urging regional leaders to induce non-member independents to attend.

Leaders are also urging regional units to get their members to read

(*Continued on page 3*)

Poli Theatres Sold On $2,226,000 Bid

HARTFORD, Oct. 20.—Eighteen houses in the Fox Poli circuit were sold today at auction to W. F. B. Rogers and John A. McNaughton, New York attorneys, representing Halsey, Stuart & Co., as part of a reorganization plan. The same men on Monday

(*Continued on page 2*)

Monogram to Tip Budgets Up by 100%

W. Ray Johnston, Monogram president, has called a meeting of all Monogram franchise holders for next Wednesday at the Hotel Statler in Cleveland to discuss a 100 per cent budget increase on features, with all specials to be given a minimum of $100,000.

W. Ray Johnston

Proposed increases are a result of sales reports to date, Johnston says. Quotas have been so far exceeded on the first five features released on the 1933-34 program, he says, that both he and Trem Carr, vice-president

(*Continued on page 4*)

"U" European Films Still Up: Laemmle

Universal's plans to produce both in England and France, while not concluded by Carl Laemmle prior to his return from abroad yesterday, are still under consideration and may materialize in the near future, the Universal president said on his arrival in New York.

Carl Laemmle

Laemmle reported a wide interest abroad in NRA activities here.

"Europe is watching the National Recovery procedure like a hawk," he said. "Everywhere people are discussing it and everyone I met

(*Continued on page 4*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Prizefighter and the Lady"

(M-G-M)

HOLLYWOOD, Oct. 20.—Just as Mae West flamed across the screen in one picture, so, potentially, looms the new personality attraction, Max Baer, as revealed in M-G-M's "The Prizefighter and the Lady," his first.

The mugg can act—even has pathos, even dances—handles himself with ease and poise, even charm, with the girls completely unanimous about that great Baer chassis. Of definite appeal to women, the production brims with heart-tugging romance, while a thrilling ring battle with Primo Carnera, refereed by Jack Dempsey, will have the men at fever pitch.

Cast names with Myrna Loy, Otto Kruger, Walter Huston and Vince Barnett are fine. Direction is swell.

The production is primed with speed, timed with laughter, and delivers two necessary haymakers. Entertainment sock and box-office K. O. Should Baer win over Carnera in a real world's championship battle, the production might easily be one of the season's big smashes.

Sir William Wiseman Says Operations Have Been Satisfactory

A reorganization plan for Paramount Publix, looking toward the discharge of the company's bankruptcy, is in process and will be presented to creditors' and security holders' committees as "soon as practicable," Sir William Wiseman of Kuhn, Loeb & Co., former member of the Paramount finance committee, stated yesterday.

"Further progress in straightening out the company's affairs must be made before a comprehensive reorganization plan for the entire Paramount Publix enterprise can be definitely worked out and submitted," he said, adding that the operating results, particularly during the last few months, "have been sufficiently encouraging to warrant the belief that it should be possible to effect the reorganization within a reasonable time."

The reorganization plan referred to in the Wiseman statement is under-

(*Continued on page 3*)

"Angel" Breaks 95 Week Para. Record

Chalking up the largest gross in 95 weeks, Mae West's "I'm No Angel" garnered $83,400 at the New York Paramount for the week ending Thursday night. With six shows a day, 184,000 patrons paid their way in.

The first program to top this intake, according to MOTION PICTURE

(*Continued on page 3*)

RKO Farewell Dinner To Franklin Oct. 25

Harold B. Franklin, who retired as head of RKO theatre operations last week, will be honored by RKO theatre and film executives at a testimonial dinner Wednesday night at the Hotel Waldorf-Astoria, New York. Some 35 officers of the company will participate.

Thompson, Blumberg In Line for RKO Job

Choice of a successor to Harold B. Franklin as operating head of RKO theatres yesterday was reported to

(*Continued on page 4*)

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Mayo Averts Fire

Serious damage to the Palace marquee was averted yesterday afternoon by Frank Mayo when a fuse box caught on fire. Ushers and the manager tried to extinguish the blaze, but it took Mayo to run to the basement and turn off the electric switch. He was superinteindent of the house for 15 years and was recently let out.

Arcturus Sound Starts

Recording of the first of the series of 18 travelogues made in the Mediterranean by F. Herrick Herrick has been begun by Arcturus Pictures Corp., which is headed by James Boring, travel expert. Cineglow sound is being used.

Reeves Recording Three

Re-recording is under way at Reeves Sound Studios for the Mexican picture, "La Noche Del Pecado," for Columbia; "The Daughter of the Regiment," for B. Bogeaus Pictures, and "The Quest of the Perfect Woman," for Tom Terriss.

Edwin Loeb Leaves

Edwin J. Loeb, attorney for the Ass'n of M. P. Producers, Hollywood, as well as a number of major Coast studios, left for Hollywood yesterday afternoon. He attended all of the code hearings in Washington.

Fox Signs Patterson

Russell Patterson, newspaper and magazine illustrator, has been signed by Fox to design the sets and costumes for the forthcoming "Fox" Movietone Follies." Patterson leaves for the coast by plane next week.

Loney Haskell Dead

Loney Haskell, the monologist, died suddenly yesterday in the headquarters of the Jewish Theatrical Guild, of which he was executive secretary, in the Bond Building here. He was in his 64th year.

Big Salaries In All Lines May Be Taxed

WASHINGTON, Oct. 20.—High salaries generally, both outside and inside the film industry, may be reached by taxation under new legislation, if a movement said to have been initiated by the President goes through.

Attorney General Homer S. Cummings has sent a letter to the White House outlining various methods by which restrictions can be applied. The current Hollywood excitement and the generally disturbed feeling among executives, it thus develops, is only one phase of a condition which applies as well to railroads, steel, banking and other major industries.

Various investigations showing huge salaries and the payment of bonuses are said to have convinced the President that social implications are involved and that something should be done for the protection of stockholders.

It is understood that one of the Attorney General's recommendations was that heavy tax levies be put on corporations paying large salaries, bonuses or commissions to executives. What other recommendations will develop as a result of the investigations of the Federal Trade Commission and other Federal agencies before the next session of Congress remain to be seen.

Schenck on Coast Trip

Nicholas M. Schenck is scheduled to leave New York for Hollywood on Sunday. E. B. Hatrick, general manager of William Randolph Heart's film interests, will accompany him.

Kent Sails Wednesday

S. R. Kent, president of Fox, sails for Europe on Wednesday, according to present plans.

Florence Lake Weds

CHICAGO, Oct. 20.—Florence Lake was married here yesterday to Jack Good, stage dancer.

Another Upset

The industry's upset again! First it was the code, then the right to buy. Even dual features started an argument, followed by talk of salary slashes. Now Joan Blondell wants to change her name to Barnes.

The Warner publicity department says she "issued an edict"—or, maybe, it was a ukase.

Anyway, industry figures are being asked for their opinions, but up to press time it was still Blondell on the marquees.

Poli Theatres Sold On $2,226,000 Bid

(*Continued from page* 1)

purchased $3,326,000 worth of first mortgage bonds of the circuit for $650,000. Sale of 14 Connecticut theatres was held here while the four Massachusetts houses were auctioned off at Springfield.

Prices paid for the 14 houses was $2,226,000 and included two theatres in Waterbury, two in Bridgeport, three in New Haven and several in smaller cities. The sale was conducted by Special Master Thomas J. Spellacy.

Eastern Theatres Corp. is underwriting the purchase of the houses. Poli-New England circuit has been formed to operate the theatres. It is understood Sylvester Z. Poli, former owner of the circuit, will return to exhibition when the theatres are turned over to the new circuit between Nov. 1 and Nov. 15. Louis F. Sagal, Poli's son-in-law, now operating the houses for the receivers, will take an active part in the reorganized circuit.

Marconi Feted on Coast

HOLLYWOOD, Oct. 20.—Guglielmo Marconi today was tendered an informal luncheon at the Radio studios with 250 players and executives of all studios attending. Dr. A. H. Giannini and the Italian consul acted as contact between the guests and hosts. No speeches were allowed.

Universal Pfd. Off Two and Three-Quarters

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	20¼	19¾	20¼	+1¼	300
Consolidated Film Industries	3	3	3	.....	200
Consolidated Film Industries, pfd	8¼	8	8	.....	1,600
Eastman Kodak	70½	68½	69¾	+ ¾	2,300
Fox Film "A"	13½	13	13¼	+ ¼	700
Loew's, Inc.	27½	25	26⅝	+1⅜	7,900
Paramount Publix	1⅜	1¼	1¼	.....	1,700
Pathe Exchange	1¼	1⅛	1¼	+ ⅛	1,300
Pathe Exchange "A"	8⅛	7¾	7⅞	— ⅛	1,000
RKO	2¼	2	2⅛	+ ⅛	1,200
Universal Pictures, pfd	20¼	20¼	20¼	—2¾	1,000
Warner Bros.	6½	5⅝	6	.....	18,100

Technicolor Gains One Point

	High	Low	Close	Net Change	Sales
Technicolor	12¼	10¾	12	+1	4,900
Trans Lux	1¾	1⅝	1⅝	— ⅛	600

Warner Bros. Rises One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	43⅜	43⅜	43⅜	— ⅜	2
Keith B. F. 6s '46	44	44	44	— ⅝	1
Loew's 6s '41, ww deb rights	85	84⅜	85	+ ½	4
Paramount Broadway 5½s '51	29	29	29	.....	1
Paramount F. L. 6s '47	29	28½	29	.....	6
Paramount Publix 5½s '50	29	29	29	—1	5
Warner Bros. 6s '39, wd	39⅞	38½	39½	+1	101

Purely Personal

FRANCES WILLIAMS, musical comedy star, who plays in "Broadway Thru a Keyhole," arrives in New York from the coast by plane today.

HELEN MORGAN has been signed to work in a series of Educational shorts at the Eastern Service Studios, the first to be "Manhattan Lullaby."

EDGAR BERGEN, ventriloquist, has been signed to make a second short for Vitaphone at the Brooklyn studio.

JACK L. WARNER will arrive in New York on Oct. 25 to attend the opening of "The World Changes."

SOL LESSER, president of Principal Distributing Corp., is on his way to England aboard the *Olympic*.

LYNN FARNOL, SAMUEL GOLDWYN'S representative, will arrive from the coast in a few days.

Record Crowd Sunday At Maloney Dinner

PITTSBURGH, Oct. 20.—Many prominent in politics and the amusement world will be among the crowd of 600 which will gather Sunday night at the annual "big top" banquet of the Variety Club at the William Penn Hotel to honor John Maloney, the outgoing president, who will be succeeded by Harry Goldstein, Paramount exchange manager in this city.

A delegation of 50 film executives is expected from New York especially for the occasion. The chief speakers will be U. S. Senator James J. Davis and Captain Al Williams, the Army flier. Thirty-five members of the Columbus (O.) Variety Club will be on hand, headed by Governor White of Ohio and Mayor Whorley of Columbus. A representation from West Virginia will be led by Governor Kemp and ex-Governor Conley of that state.

Members of the amusement world who will take part in the affair will be headed by George Jessel. In this group will be Oliver Wakefield, the Landt Trio and White, Freda and Palace, Mary Small, Johnny Woods, Pansy the Horse and Brown Buddies Revue.

Sunday's turnout will be the biggest for the affair, which will be staged under a huge tent, as usual.

John H. Harris is chairman of the banquet. The toastmaster will be Norman Frescott.

Jules Levey, general sales manager of Radio Pictures, left for Washington yesterday and will finish a weekend business trip in Pittsburgh where he will attend the Variety Club dinner Sunday night.

Radio Closes with Schine

Radio has closed a deal for shorts and feature product with the Schine circuit, operating 54 houses in New York and Ohio. E. L. McEvoy, eastern district manager, handled negotiations for the company, with the cooperation of Harry T. Dixon, Buffalo manager, and Charles K. Halligan of Albany.

Justice Dept. Hears Deputy On the Code

(*Continued from page 1*)

to the President a report on the question of salary restrictions, it was presumed that the salary clause in the unfair practice article was considered.

Admitting that the effect of the penalty clause may be "fairly inferred" to have a deterring effect upon high salaries, Rosenblatt tonight called attention to the fact that there is no provision in the code for a salary board, as appears to be believed on the coast. It is not a fair inference, however, he said, that the clause in any way will determine salaries.

Says Stockholders Approve

In this connection the deputy administrator disclosed that he has received a large number of communications from stockholders in film companies, approving the Administration's efforts to restrict salaries.

A number of "constructive" suggestions, some of which may result in slight changes in the code, were made yesterday by the independent exhibitors with whom he conferred until the early hours of this morning, Rosenblatt said. He also announced that while Abram F. Myers had been advised of the meeting and some of the independents present had telephoned Myers from Rosenblatt's office and asked whether he wanted to attend, "they saw fit not to attend."

Approval of Rosenblatt's action in omitting from the code definite provisions covering a number of trade problems has been given by H. H. Thurlby, assistant professor of industrial management at Harvard University, who was adviser for the research and planning division on the code. In a letter received today by the deputy administrator, Thurlby declared:

Backs Self-Government

"I heartily subscribe to the principle of self-government on the part of the industry as expressed in the propositions for local boards and code authority review. It appears to me impracticable and unnecessary for the code to state explicitly such standards of competition as the 'right to buy' and thereby raise questions of a definitive nature when the practical approach to the matter is an analysis of the policy or procedure in a specific situation which may be brought before a local board and reviewed by a national board. No code provision on such practices could be written, in my opinion, that would not result in a serious economic readjustment of contractual relations. A possible lack of uniformity in industrial regulation as a consequence of localized jurisdiction on problems of trade practice may be effectively guarded against, I believe, by a close supervision over local arbitration by the national authority.

"While I have mentioned only the so-called 'right to buy,' the principle would also be effective in deciding the vexatious problems of conflicting interests in double featuring and other practices."

No Justice

Washington, Oct. 20.—Having done much to swell gross receipts of the Hotel Mayflower during the first, second and third code deliberations, the independent group which returned this time for additional private meetings with Deputy NRA Administrator Sol A. Rosenblatt couldn't even buy space at the same hotel and had to move over to the Shoreham.

Allied Seeking Big Turnout at Chicago

(*Continued from page 1*)

both the code and the independents' analysis submitted to Deputy NRA Administrator Sol A. Rosenblatt a few days ago.

Eddie Cantor, the latest bulletin states, has sent a telegram to Allied headquarters here approving Allied's stand on the code in behalf of the Actors' Guild.

Komer Head of Unit Planned for Detroit

DETROIT, Oct. 20.—First step in the formation of a new local exhibitor unit took place today when exhibitors met and elected Charles Komer temporary president. A committee composed of James Robertson, Arthur Barrett and John Odell has been named to complete the set-up. The committee will first prepare complaints against the present Allied of Michigan set-up and make "certain demands for housecleaning."

If these demands are met, the proposed unit will be abandoned. If not, it will become active. It is expected the committee will demand Allied fire H. M. Richey, business manager, and the unit's directors also on the board of Mid-States. Harry Brown's seven houses and the Great Lakes Theatre yesterday pulled out of Mid-States.

Fred Meyer Leaves

Fred Meyer, president of the M.P.T.O. of Wisconsin, returned to Milwaukee last night. He had been attending the code conferences in Washington and now is after a rest. The Wisconsin unit will hold its annual convention early in November, date so far undetermined.

"Angel" Breaks 95 Week Para. Record

(*Continued from page 1*)

DAILY's box-office records, was "Finn and Hattie," plus Maurice Chevalier on the stage, which netted $85,900 for the week ending Feb. 6, 1931. The second best was "Tom Sawyer," which grabbed $85,800 for the week ending Jan. 1, 1931. This was on a second run, the initial seven-day take figuring only at $67,400. Next of the big money-getters was "Rich Man's Folly," with $85,500 for an eight-day run, ending Dec. 3, 1931. "Ladies of the Big House" grabbed $83,500 for the week ending Jan. 7, 1932, with "The Phantom President" following at $68,900 on Feb. 23, 1932.

In establishing a new record for the year, Mae West, peculiarly enough, previously broke the high for 1933 when "She Done Him Wrong" chalked up $66,800 for the week ending Feb. 23. Incidentally, all the pictures mentioned have been Paramount.

As one Paramount executive put it yesterday, "it took 'an angel' to take the house out of the red." The picture is now penciled in for three weeks and may go four.

Extras Decide on Own Organization

HOLLYWOOD, Oct. 20.—Seven hundred and fifty extras have decided to go it alone in their own organization without affiliation with the Actors' Guild. They have concluded their interests are different.

Following a mass meeting a wire was sent to Washington commending President Roosevelt's NRA program and stating that extras had no protest against the code, but intended to organize to protect themselves against any injustice after the code goes into effect.

Cleveland Dual Ban By Agreement Fails

CLEVELAND, Oct. 20.—The proposal to limit duals in local suburbans to once weekly, which was to have gone into effect Oct. 15, has been called off. At a meeting of the Cleveland M. P. Exhibitors' Ass'n. it was agreed after heated discussion to leave the policy of duals to individual action. The refusal of half of the organization to abide by limitation is said to be the cause of the present wide open policy. The majority of the suburbans are now playing doubles.

Manna for the Insurgents

Washington, Oct. 20.—Allied leaders are pained to learn that some exhibitors have not really studied the code or the 18,000-word analysis of it prepared by the independents, so here's what they propose to do about it:

"Unfortunately," reads the latest bulletin, "we cannot afford to send copies of the code and analysis to all exhibitors. Leaders should cause the document to be read to the members at meetings called to urge attendance at the (Chicago) meeting."

One independent operator yesterday was debating a trip to Chicago Tuesday and said he had heard the exhibitor attendance would run between 2,000 and 3,000.

He wasn't kidding.

Plans on Way To Reorganize Paramount

(*Continued from page 1*)

stood to be that in preparation by Dr. Julius Klein, former assistant secretary of commerce in the Hoover administration, who, as the repesentative of the Paramount bondholders' protective committee of which Frank A. Vanderlip is chairman, has been receiving the cooperation of the Paramount trustees on a reorganization plan for the past two months. Dr. Klein's initial activities at Paramount were described first by MOTION PICTURE DAILY on Sept. 12 and 13.

No Plan Perfected

Although any creditor of the bankrupt's may submit a reorganization plan, none has been perfected to date and, it is believed, Dr. Klein's plan will probably be the first to be submitted to creditors. If approved by them, steps would be initiated at once in U. S. District Court here to have the Paramount bankruptcy discharged.

Kuhn, Loeb & Co., Chase National Bank and the First National Bank of Chicago are among Dr. Klein's principals. The bondholders' committee which he represents holds approximately $24,000,000 in Paramount bonds.

Despite the fact that a final tabulation of claims filed against Paramount has been completed, counsel for the trustees yesterday declined to make public either the aggregate amount or a breakdown of principal claims, many of which, it was stated, have either been filed in duplicate or are characterized as "discredited." A statement promised to the trade press yesterday on the proportion of the claims which would be contested was later withheld and attorneys for the trustees declared that none would be issued. MOTION PICTURE DAILY learned last week that the claims aggregate in excess of $246,000,000, exclusive of duplicated claims. All but approximately $35,000,000 of this amount will be contested.

A Publix Enterprises' creditors hearing scheduled for yesterday before Referee Henry K. Davis was postponed to Oct. 27. Petitions for the settlement of minor claims against the theater company will be presented to Referee Davis on Monday.

U. A. Sponsoring Ball

The "Bowery Ball," which is to be held at the Hotel Astor in New York next Thursday evening, is being sponsored by United Artists. Proceeds will go to the *New York American* and *New York Journal* Christmas relief fund. Among those expected are Marilyn Miller, Irving Berlin, Milton Berle, Roy Atwell, Gertrude Nissen, Lillian Miles, Lillian Bond, Mickey Alpert, William O'Neal, Olga Baclanova, Jack Benny, Nancy Carroll and Joe Laurie, Jr.

Cowan Starts West

Lester Cowan, executive secretary of the Academy of M. P. Arts and Sciences, left for Hollywood yesterday afternoon. He is taking west with him a copy of the third revision of the NRA code and a cold.

Monogram to Tip Budgets Up by 100%

(*Continued from page* 1)

in charge of production, feel the increase is desirable. This has nothing to do with increased costs under the NRA, Johnston states.

Carr says he is confident Monogram will "take its place among the first line major companies."

"The only way by which we can maintain the standard we have set with 'The Sweetheart of Sigma Chi,' 'Broken Dreams' and others is to bring about a permanent and drastic increase in our present budgets and make product designed to meet any type of competition."

Carr left yesterday for Cleveland and will be joined at Ogden by Floyd St. John, western district manager and franchise holder for California, and J. T. Sheffield, northwestern district manager and franchise holder. Johnston will start for Cleveland immediately after his return from the Washington code hearings, accompanied by Herman Rifkin of Boston, J. H. Alexander of Pittsburgh, B. H. Mills of Albany, Harry Thomas of New York, and Edward Golden, general sales manager.

Slated to Be Present

Others who will attend will be: Arthur C. Bromberg of Atlanta, H. H. Everett of Charlotte, L. Seicshnaydre of New Orleans, Carl Floyd of Tampa, Howard Stubbins of Los Angeles, Sam Seplowin of Detroit, Claud Fzell of Dallas, Sol Davis of Oklahoma, B. F. Busby of Little Rock, Sam Flax of Washington, Robert Withers of Kansas City, C. M. Parkhurst of Omaha, C. J. Farnes of Portland, H. M. Glanfield of Salt Lake City, Nat Steinberg of St. Louis, Irving Mandel of Chicago, L. W. Marriott of Indianapolis, J. G. Frackman of Milwaukee, J. Berkowitz of Buffalo and William Onie of Cincinnati. Jack Jossey of Cleveland will have charge of arrangements for the convention.

HOLLYWOOD, Oct. 20.—Monogram is rushing the script of "Manhattan Love Song," which will probably be filmed and in the can before Fox, which also lays claim to the title, will have dusted the story off for production.

Leonard Fields, writer, and David Silverstein, who will direct the Cornell Wooldridge story, are collaborating on the script.

Thompson, Blumberg In Line for RKO Job

(*Continued from page* 1)

have narrowed down to Leslie Thompson, formerly in charge of labor matters for the circuit, and Nate Blumberg, RKO's divisional manager in the Middle West.

According to the company, however, J. R. McDonough, who on Wednesday was elected to posts in various of the company's theatre units formerly held by Franklin, had reached no decision.

Looking 'Em Over

"Headline Shooter"

(*Radio*)

Romance gets crowded in between a series of exciting happenings in the lives of a newsreel cameraman and a girl reporter. William Gargan is the man and Frances Dee the girl. Some of the stories they cover are obviously clips from newsreel shots.

They meet while covering an earthquake. Buildings fall about them as they run from place to place. Some smart cutting makes these shots hair raising at times. She steals his automobile key to get back to her office with her story. Their paths cross from time to time until she finally tells him she is engaged to a man in Mississippi and announces she is going off to marry him.

Gargan is sent south to cover a spring flood that has broken a levee. Miss Dee's fiance, Ralph Bellamy, turns out to be a regular fellow and helps them to get pictures and a story. He returns to New York with the girl, expecting to marry her, but she starts off on another story and is finally kidnapped by a group of gangsters. Both Gargan and Bellamy are in on the rescue, but she gets so excited she can't listen to his entreaties to quit. Finally she tells Gargan she'll marry him in front of a camera.

"The Wandering Jew"

(*Jewish American Film Ass'n*)

Produced in Jewish but with English sub-titles, this chronological film record of the persecution of the Jews from the early ages to the present Hitler period probably will be limited in appeal to neighborhoods chiefly with Jewish patronage. There are not enough sub-titles to make it understandable for the average fan. More than half of the picture is composed of library and newsreel shots.

The picture starts with the present persecution of the Jews and shows how Jacob Ben-Ami, an artist in Germany, has his masterpiece, "The Wandering Jew," rejected by the Academy because of the Hitler edict. His German sweetheart, Natalie Browning, also leaves him to keep within her Aryan rights. During the denouement of this, his servant recounts the previous persecutions of Jews down the ages and later "The Wandering Jew" comes to life and details how a new leader arose to guide them to new worlds. The picture closes with hopes that a new Moses will soon come to aid the Jews in fighting German oppression.

"Walls of Gold"

(*Fox*)

Kathleen Norris' melodrama that money cannot buy love is entertainingly transformed to the screen by Sally Eilers, Frank Morgan and Norman Foster and met with the approval of an Old Roxy audience yesterday.

A successful business woman in her own right, Miss Eilers falls in love with Foster. When the heroine is introduced to Morgan, the hero's uncle and a steel tycoon, the magnate takes a personal interest in her which later leads to a break between the sweethearts and the marriage of Foster to Mary Mason, the heroine's sister. Morgan subsequently weds Miss Eilers and, after a honeymoon, starts affairs with Rosita Moreno and Rochelle Hudson.

Foster goes to South America on a long trip during which his wife gives birth to a boy. She dies in the hospital and Miss Eilers brings up the child. When Foster returns he again falls in love with the heroine and tries to get her to break away from Morgan. She refuses because her husband threatens to ruin Foster if she goes through with it. At a party at the Morgan mansion, Morgan dies of heart failure when Miss Hudson threatens to kill him if he doesn't marry her. This clears the way for the lovers.

"Easy Millions"

(*Monarch*)

The complications arising from a little lie Richard ("Skeets") Gallagher makes in order to ward off a stock salesman created a load of laughs yesterday at the Tivoli. After Gallagher tells the fabrication, the salesman spreads the word around until it reaches all the hero's friends and sweethearts. As a result he becomes engaged to three girls at the same time. He cares only for Merna Kennedy, but when she catches him in the embrace of one of his other fiancees, she breaks off with him.

Gallagher has a hard time convincing Miss Kennedy of the truth, but he finally manages to clear it up without any casualties. In the cast also are Dorothy Burgess, Johnny Arthur, Noah Beery, Pauline Garon, Bert Roach and Walter Long. Fred Newmeyer directed.

"U" European Films Still Up: Laemmle

(*Continued from page* 1)

asked for information of its working. I was proud to tell them how confident I was in the Administration.

"Our industry, like every other one, needs a code and I am tremendously pleased at the way ours is shaping up. The code, as I see it, will be bad only for the unethical, the dishonest and the 'chiselers,'" Laemmle said. "It will be good for anyone who wants to earn a decent living and for any company that is honest in its attitude toward the public and its employes."

While abroad, Laemmle signed Jan Kiepura, star of "Be Mine Tonight"; Francesca Gaal, Budapest screen actress, and acquired the European play, "The Countess of Monte Cristo," which will be filmed at Universal City this winter. Laemmle was accompanied on his European trip by his secretary, Jack Ross. The two will remain in New York about a week before proceeding to the coast.

Chase Investigation Temporarily Delayed

WASHINGTON, Oct. 20.—Sidetracked by consideration of stock market operations, the Senate Banking and Currency Committee today failed to undertake its expected investigation of operations of the Chase National Bank in the securities of Fox and General Theatres. It is not expected that the matter will be reached before the middle of next week.

N. Y. Cameraman Killed

FORT MYER, VA., Oct. 20.—William Casel of Brooklyn, 27, a cameraman, was killed today when he was run down by horses drawing an army caisson during the filming of scenes for "Rodney," with Walter Huston.

Get Marriage License

Frances Dee and Joel McCrea obtained a marriage license at the Municipal Building here yesterday.

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McDonough's Radio Power Is Extended

Major Problems in Film End Now Go to Him

Influence of J. R. McDonough is understood to have been extended to embrace major decisions affecting Radio Pictures. The former executive vice-president of RCA, who stepped into the RKO picture a few months ago and since has advanced to a dominant position in the affairs of the company, particularly in the theatre end, is declared to be acting as a sort of arbiter on problems concerning the film company in those instances where Radio's officials may hold different ideas on solutions. It is said McDonough, while naturally interested in whatever such problems may be, is in no way interfering with the normal functions of executives of the picture company, but only proposes to interject his opinion when sought.

Theatre Intake on Upswing in Charts

The largest dollar upturn in box-office receipts since sound has been experienced by theatres in recent months, according to a chart prepared by John H. Lewis of Goodbody & Co., which is based on the reported weekly receipts of 10 theatres situated in five widely scattered cities.

"The crux of the problem of mo-

(*Continued on page 3*)

Studios Sign Over 50 Unknown Players

HOLLYWOOD, Oct. 22.—The search for talent and the lining up of new faces has reached a new high in Hollywood with more than 50 players, heretofore unknown, placed under long term contracts by the majors within the last three months.

Paramount leads the field with 11 unknowns. In addition to this number the studio signed eight unknowns

(*Continued on page 3*)

Trans-Lux Planning 4 or 5 More Houses

Trans Lux has made plans for four of five new theatres to be constructed in different sections of new York, according to Leslie Thompson.

One of them is planned for Brooklyn.

Predicts 4th Code Revision

Back from Washington on Saturday, W. Ray Johnston, president of Monogram, predicted a fourth revision of the NRA code was on the way and "would be ready in a couple of days."

Johnston declared the independents' analysis was being discussed with Deputy NRA Administrator Rosenblatt, paragraph and by paragraph, and that changes in phraseology are in the offing in order to assure further clarification. Many of those who participated in the insurgent movement are again at the Capital, including Jacob Schechter, Milton Weisman, Mitchell Klupt, David Barrist and Calvin Bard.

Grievance, Zone Boards Facing Deluge of Cases

More than 50,000 complaints and claims annually may be the deluge swamping local grievance and zoning boards which will come into being in each exchange center under the code on the basis of the trend of cases filed with arbitration boards which nearly trebled from 1924 up to the time compulsory arbitration was suspended in October, 1929, because of the Thacher decree. Types of disputes handled under the now defunct system are designed for adjudication through grievance and zoning boards, as the code now stands.

In 1924, 11,197 cases were filed with arbitration boards with an aggregate amount involved of $2,119,000. The number of cases and the sum involved increased steadily up to the 1929 suspension of arbitration, when 30,746 claims had been filed during the year, amounting to almost $9,000,000.

Since the suspension of arbitration no official bodies for receiving claims have existed within the industry, but exclusive of the cases which were carried into court thousands of minor

(*Continued on page 3*)

Allied Heads Gathering for Chicago Meet

CHICAGO, Oct. 22.—The advance contingent for the code mass meeting called by Allied States, which opens here Monday, arrived today, headed by Abram F. Myers, Allied general counsel and board chairman, J. C. Ritter, president, and H. M. Richey of Detroit.

W. A. Steffes of Minneapolis and Sidney Samuelson of New Jersey are expected to arrive tomorrow. The early arrivals visited the World's Fair grounds, taking advantage of special

(*Continued on page 3*)

Stuart to Handle Arizona Theatres

Herschel Stuart, recently in charge of Paramount Publix Detroit theatres for the company's theatre reorganization department, will be assigned to similar work on the Rickards & Nace circuit, Publix Arizona division. He is slated to leave for Arizona within the next few days, remaining

(*Continued on page 6*)

Deputy Pushes Effort to Get Code Finished

WASHINGTON, Oct. 22.—Forging ahead with his plan to pass the industry code on to General Hugh S. Johnson with as little delay as possible, Deputy NRA Administrator Sol. A. Rosenblatt over the week-end proceeded with the writing of his report to accompany the document. He hopes to have the pact ready for the Administrator early this week.

Progress, however, is being hampered somewhat by the illness in Chicago of Edward N. Hurley, head of the NRA Labor Advisory Board,

(*Continued on page 3*)

Chicago Operators In a Federal Probe

CHICAGO, Oct. 22.—Organization leaders, circuit officials and scores of independent exhibitors have been subpoenaed this week to testify before the Federal Grand Jury in the Government's probe of alleged labor

(*Continued on page 3*)

Majors Await Formal Choice Of Authority

Holding Back Signatures Until Personnel Set

Major companies are awaiting formal designation of the personnel of code authority before affixing their signatures to the industry code. Who is to constitute the so-called "supreme court" of the industry under the NRA has been left blank in the three code revisions made public to date. Remaining as the only omission in the document, the majors regard definite information on this vital point as necessary before acknowledging the code has arrived at the signature stage.

Deputy NRA Administrator Sol A. Rosenblatt has maintained throughout the three sessions of code deliberations that the selections are set "in his mind." Steadfastly has he refused to part with even an inkling of what the names are to be, however. Regarded as definite final selections are:

SIDNEY R. KENT, president of Fox.

NICHOLAS M. SCHENCK, president of Loew's, Inc., and M-G-M.

(*Continued on page 3*)

Kent to Study Plan For Studios Abroad

Production abroad is among major pieces of business which takes Sidney R. Kent abroad next week. Fox is producing in France and has ideas, not definite as yet, about Germany.

Kent's last trip was made 15 months ago. He was due to return overseas six months ago, but the Fox financial reorganization and the code resulted in delays.

Seven Houses Quit Detroit's Combine

DETROIT, Oct. 22.—Mid-States Theatres, booking combine composed of members of Allied of Michigan, loses additional constituents with withdrawal of the six neighborhood houses operated by Harry Brown. The Great Lakes, a key house, is another withdrawal.

Mid-States, formerly known as Co-operative, of which Ray Moon is gen-

(*Continued on page 3*)

Price Cuts Stir Up Worries in Denver

DENVER, Oct. 22.—Two price cuts within the past two weeks at the Orpheum have given local theatre men a jolt, and they are wondering if the

(*Continued on page 6*)

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F. & M. Close Deal For the St. Louis

ST. LOUIS, Oct. 22.—With the closing of the St. Louis Thursday for installation of new equipment and other alterations, the house passed to Fanchon & Marco. Harry Singer of F. & M. closed the deal with Harry Koplar, who previously had denied reports of the deal. Date for reopening has not been set.

Mike Marco left for the coast over the week-end. He has been conferring with Harry Arthur here for several weeks.

Bergerman Starts

HOLLYWOOD, Oct. 22.—After months of preparation, Stanley Bergerman will get under way this week with his first independent picture, "I Like It That Way," with Gloria Stuart and Roger Prior in the lead. Picture is being made at Universal.

Pollard Studio Party

A reception and entertainment to mark the opening of the Bud Pollard studios was held Saturday afternoon and evening at the Grantwood, N. J., production site. Several hundred guests, including players, directors and press representatives, were in attendance.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX
Directed by RALPH STAUB
Direction: LEO MORRISON

Insiders' Outlook

THE men who fought the battle and broke their backs won't think so. For that, they have plenty of reason. It is, nevertheless, the truth that the film industry has been accorded favorite treatment among major industries on its code. By that, you understand, is meant preferential consideration as the NRA sees it. This is why: the history of other codes hasn't allowed for anything like the scrimmages that have been entered on the record in the picture business. When Hugh Johnson, for instance, met the oil men at eight o'clock on a memorable night not so long ago, he gave some of America's industrial leaders five minutes, informed them the code as the NRA saw it was the one that the President would get and then walked out. Johnson did all of the talking.

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Nothing like that happened in this field, the closest to it being the shrapnel fired by the White House in the majors' midst. NRA precedent to date, as a matter of fact, demonstrates that where the recovery administration prepared its own code for any given industry, that was the code eventually to be signed. Rosenblatt prepared not one for films, but a second and, later, a third. Even on the three-way try, the job isn't finished yet. So dizzy does the story of the code go that there may be a fourth. This is how and why the industry has been meted out favorite treatment, as the disciples of the Blue Eagle see it.

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If the original intent behind all codes had been followed, much might have been different. The purpose, at the outset, was to fly the eagle all over the land. Considerably in the rear and to be framed at a convenient later date were fair trade practices and the elimination of cut-throat competition. Business interests, realizing quickly that fewer working hours meant an immediate increase in payrolls, wanted to know where the overhead hike would come from. The anti-trust laws will be relaxed; dubious competitive practices, including sales below cost, will be controlled, answered the NRA. Then along came the textile industry, not with a code for labor only, but coupled with it a code of fair practices. A precedent, for some reason not quite clear, was thereby set for all trailing industries to mimic.

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It was natural, it is to be supposed, for the film industry to have done likewise. The labor equation was taken care of—studios quickly, theatres not so quickly and not so smoothly, but worked out it was and so the primary purpose of the recovery act fulfilled. What has snarled this business, as it has all others, has been the trade practice end of the code. It has created much bitterness in quarters from which the repercussions are likely to blast for some time. It has caused to be rumored about nasty stories of money that either changed hands or was waiting for hands to grasp. It has sharpened the inherent differences between buyers and sellers, independents and affiliates; in general, created an unrest and an upset which equals any this stormy business has ever experienced and saddled around the neck of the code and those who will administer it a job that need be nobody's envy.

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While there were some who found themselves about to cave in and pass out in taxis and others were on the verge in long-distance conferences held on the ninth floor of the Mayflower, the newspapermen had no picnic

(Continued on page 6)

Eastman Down Two and a Quarter

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3	3	3	.....	100
Consolidated Film Industries, pfd	8¼	7¾	7¾	— ¼	400
Eastman Kodak	69½	67½	67½	—2¼	300
Fox Film "A"	13¾	12	12	—1¼	500
Loew's, Inc.	27⅞	24	25½	—1⅛	5,000
Pathe Exchange "A"	8½	7½	7⅞	.....	400
RKO	2⅜	2⅛	2¼	+ ⅛	400
Warner Bros.	6⅜	5⅜	6	.....	4,500

Technicolor Off One and a Quarter

	High	Low	Close	Net Change	Sales
Technicolor	12	10¾	10¾	—1¼	200

Paramount Publix Gains Half Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4⅛	4¼	4¼	— ⅛	4
General Theatre Equipment 6s '40, ctf	3½	3¼	3¼	—1¼	4
Paramount Broadway 5½s '51	28½	28½	28¼	.....	1
Paramount F. L. 6s '47	29	29	29	.....	2
Paramount Publix 5½s, '50	29½	29½	29½	+ ½	1
Warner Bros. 6s '39, wd	40	38¼	38½	—1	18

Purely Personal

EDDIE DOWLING, president of the Actors' Betterment Ass'n, Inc., has been elected an honorary life member of the Lambs' Club.

PAUL WHITEMAN, his band and vocalists, have been signed by Vitaphone for a three-reel "Broadway Brevities."

EDDIE CANTOR has joined the Actors' Betterment Ass'n, Inc.

HERMAN WOBBER, Fox executive, is in town for a few days.

Tiffany Productions Name Made Cortland

DOVER, Oct. 22.—Tiffany Productions of California, Inc., Ltd., has changed its name to Cortland Pictures Corp. of California, Ltd., New York City, in the Delaware State Department. The Corporation Trust Co. was the incorporating company.

Tri-States Theatre Corp. and Evans Theatre Corp. have filed charters to carry on the business of theatrical proprietors. Tri-States listed capital of $10,000 and Evans Theatre 100 shares, no par value. C. S. Peabbles, L. H. Herman and Walter Lenz of Wilmington are the incorporators for both.

RCA Answers Equity Action by Arcturus

WILMINGTON, Oct. 22.—RCA has filed an answer in Chancery Court here to the bill of complaint in an equity proceedings brought against it by the Arcturus Radio Tube Co. to halt a law action brought in New Jersey by RCA against Arcturus.

RCA in its answer in equity asked for dismissal on the grounds that Arcturus has no remedy in equity because the issue in the lawsuit, which is for royalties on an equipment licensing agreement, involves only legal questions. RCA denied Arcturus' assertion in the equity bill that some of the provisions of the agreement under which Arcturus was licensed by RCA were unfair.

Patent Suit Up. Feb. 3

WILMINGTON, Oct. 22.—Further hearing on the patent infringement suit brought by Frank L. Dyer, Ventnor, N. J., against Sound Studios, Inc., of New York, will be held Feb. 3.

It's Mrs. McCrea Now

Joel McCrea and Frances Dee are now Mr. and Mrs. They were married in Rye, N. Y., and are now motoring through Connecticut on a honeymoon trip.

Loew's Vote Dividend

The regular quarterly dividend of $1.62½ per share on the outstanding $6.50 cumulative preferred stock of Loew's, Inc., has been declared payable Nov. 15 to stockholders of record on Oct. 26.

Majors Await Formal Choice Of Authority

(Continued from page 1)

HARRY M. WARNER, president of Warner Bros. Pictures, Inc.

ROBERT H. COCHRANE, vice-president of Universal.

GEORGE J. SCHAEFER, vice-president and general manager of Paramount.

AL LICHTMAN, vice-president and general sales manager of United Artists.

CHARLES L. O'REILLY, president of Theatre Owners' Chamber of Commerce of New York.

ED KUYKENDALL, president of M.P.T.O.A.

M. E. COMERFORD, head of Comerford Theatres.

W. RAY JOHNSTON, president of Monogram.

Action will not be delayed, particularly if Rosenblatt delivers on his promise that the code will be in General Hugh S. Johnson's hands early this week. Once the document is signed by the President, missing signatures face the alternative of being bound by the code without being accorded any of its advantages. The big companies are not believed to be entertaining this thought.

Will Probably Affix Signatures

Signatures probably will be affixed to a form prepared by the NRA for that purpose, but held in escrow with the understanding signatories are bound only by the code as they have scanned it. Any changes made prior to Presidential enactment will not necessarily void signatures but will carry the right to analyze such changes and to withdraw if such is the signatories' decision.

Berman Warns Stars Can Do Work Abroad

Suggesting that stars subjected to salary limitations under any code or regulation could engage in production outside of America and have their pictures distributed here, A. C. Berman, attorney, and former foreign manager for United Artists, has wired President Roosevelt, Administrator Hugh S. Johnson, Deputy Sol A. Rosenblatt and industry leaders warning them of the consequent danger of efforts to regulate star salaries, Berman disclosed Saturday.

Stating that he represented a group of stars, Berman declined to reveal their identity. His communication to Administration authorities and company heads urged "constructive" regulation of the industry through code provisions, but held efforts toward salary regulation of stars to be misguided.

Paul Shields Named

WASHINGTON, Oct. 22. — Paul Shields of Shields and Co., New York stock brokerage firm, yesterday was named one of the Government representatives on the code authority set up for the legitimate theatre industry.

Grievance, Zone Boards Facing Deluge of Cases

(Continued from page 1)

claims have been adjusted amicably by informal negotiation between exhibitor and distributor, and between exhibitors. Under the code, practically all such cases will be filed with grievance and zoning boards.

Records of the abritration boards for the period from 1924 to 1929 inclusive reveal that approximately 50 per cent of the cases filed in every year were settled or withdrawn before a hearing was held. Thus, of the more than 11,000 cases filed with arbitration boards in 1924, 6,029 were withdrawn prior to a hearing date, and of the 30,746 cases filed in 1929 up to the suspension of arbitration, 15,333 of them were withdrawn.

Awards Totalled 7,222

Of the 15,413 claims actually heard by arbitration boards during 1929, awards were rendered in 7,222 cases and 509 claims were dismissed. The awards involved claims aggregating $2,731,579, and the claims dismissed involved $181,209. Court proceedings were instituted in 107 cases after the claim involved had been submitted to arbitration. The remainder of the claims heard during the year were still pending at the time arbitration was suspended.

Cases carried to court on the conclusion of arbitration are interpreted as giving an indication of the number of cases which may be brought before the code authority, which is to hear only such cases as cannot be settled by the local grievance and zoning boards, or cases of major national importance to the industry. On the basis of the 107 cases taken to court in 1929, and in view of the average proportionate increase in such cases over the preceding five-year period, it is estimated that approximately 175 such cases may be heard by the code authority annually.

New York and Chicago led in the number of claims filed with arbitration boards during the period of their existence. In 1929 New York had 9,973 claims filed and heard 5,350. Chicago had 2,612 filed and heard 1,442. Other keys filing and hearing large numbers of cases that year included Philadelphia, Cleveland, Cincinnati, Buffalo, Pittsburgh, Kansas City, Dallas, Charlotte and Washington.

Theatre Intake on Upswing in Charts

(Continued from page 1)

tion picture profits," says Lewis, "is the direction in which box-office receipts are going. If they are upwards, conditions are favorable for marked prosperity, whereas if they are downward, it is extremely difficult for most companies to make a profit. Because of the great importance of this factor, we have built up what we believe to be the first index of motion picture receipts in the United States. The period covered is from 1928 up to the present. The average quarterly results in 1928 are assumed to equal 100. Only cities have been included which are free from special influence affecting box-office receipts of theatres used. For instance, New York City had to be eliminated for the reason that the opening of the large block of Rockefeller Center theatres so reduced the patronage of other midtown houses as to destroy their value as an index of theatre attendance."

(EDITOR'S NOTE: John H. Lewis' statement that his box-office index is "the first" is not in accordance with the facts. MOTION PICTURE DAILY has been publishing receipts from 21 key cities for almost three years and has made many comparisons based on those figures.)

Chicago Operators In a Federal Probe

(Continued from page 1)

racketeering by Tom Maloy, head of the operators' union and various members of the local.

The Treasury Department is also checking into the Maloy income, but secrecy surrounds the names of witnesses.

Studios Sign Over 50 Unknown Players

(Continued from page 1)

for leading roles in Charles R. Rogers' production "Eight Girls in a Boat," and 15 for featured roles to appear in "Search for Beauty."

Fox is second in the running with 11 new names. Universal follows with 10; Warners and M-G-M come next with seven new names each. Radio has signed four unknown players and Columbia has signed two.

Seven Houses Quit Detroit's Combine

(Continued from page 1)

eral manager, is under fire of attack launched by Leon Krim of the Kramer, Lew Kane of the Mayfair and Al Ruttenberg of the Iris. All former Mid-States members, they are no longer and charge the booking combine is forcing them out of business by making it difficult for them to buy product.

Brown, incidentally, is retiring from active business because of ill health and has turned operation of his six houses to his son, Sam.

"Carnival," a Gaumont-British production, will be the initial feature at the Mayfair, which finally opens its doors Friday night. This is the theatre run by Kane, who, with Ruttenberg of the Iris, is suing Mid-States. A vaudeville bill also will be shown.

Halperin in Ohio House

CINCINNATI, Oct. 22.—Max Halperin, former city manager for RKO here, but later manager of the Fordham, New York, has purchased a part interest in the Beecher, a colored house here.

It is reported that Halperin and his associates are angling for other subsequent run spots in this vicinity.

Allied Heads Gathering for Chicago Meet

(Continued from page 1)

rates procured by Aaron Saperstein, local Allied chieftain.

Among early reservations received here, and indicating the size of the probable influx tomorrow, are Cleveland's 30; Pennsylvania's 25, and Iowa's 30. An accurate estimate of attendance was not possible today, although word from the Congress Hotel, mass meeting headquarters, was that reservations have been coming in slowly and in modest proportions.

The meeting is slated to receive Allied's report on the final revision of the industry code and will seek to enlist support for Allied objections to it from both exhibitors and public agencies who will attend.

Deputy in Effort to Get Code Finished

(Continued from page 1)

whose report has not yet been received.

Indicating that Rosenblatt expects to have the code off his mind and his desk shortly is his intention of going to Atlanta on Oct. 30 to address the convention of the Southeastern Theatre Owners' Association. He will speak on the code.

Details of those portions of the code, in its present form, to which objections have been voiced by independent groups were discussed on Saturday by Rosenblatt with Abram F. Myers, general counsel of Allied, as well as with Jacob Schechter, attorney for the Federation of the M. P. Industry, and Mitchell Klupt, attorney for the Independent M. P. Exhibitors' Code Protective Committee.

Sound Film Rights Up to Appeal Court

ALBANY, Oct. 22.—What is a talking picture?

This is the question the New York Court of Appeals must answer before it can hand down a decision in the suit of the Kirke La Shelle Co. against the Paul Armstrong Co. and Phelan Beale, all of New York, involving "Alias Jimmy Valentine," stage hit of two decades ago, which was recently converted into a talkie. The plaintiffs, who assert they were assigned a half interest in the play in 1921, are laying claim to half the price brought by the sound screen rights, which were sold to M-G-M in 1928 for $15,000, on the argument that the film was similar to the stage work.

Newman Back on Job

SEATTLE, Oct. 22.—Frank L. Newman, Sr., president of Evergreen State Theatres Corp., has just returned to his local headquarters after an absence of a month. During his trip he conferred with F.W.C. officials in Los Angeles, and then proceeded to New York for two weeks. He returned via Spokane, where Frank L. Newman, Jr., is city manager for Evergreen houses.

A First National Picture
Directed by Mervyn LeRoy
Vitagraph, Inc., Distributors

THE WORLD CHANGES

. . . . . *and so does*

PAUL MUNI

He's greater *than in "Fugitive" in this next*

big special from WARNER BROS.

Stuart to Handle Arizona Theatres

(Continued from page 1)

there for several weeks, after which he will return to the home office.

Stuart returned Saturday from Detroit. The 10 Publix houses there are now being operated by George W. Trendle on a salary and percentage basis in accordance with a management deal recently concluded between Trendle and the Paramount trustees. Publix acquired the houses from Trendle about four years ago.

Price Cuts Stir Up Worries in Denver

(Continued from page 1)

slashes will force subsequent runs to lower their tariffs.

At the time the Orpheum added F. & M. stage show prices were boosted from 25, 30 and 40 cents to 35, 40 and 55 cents. The crowds held up the first three weeks and turned in more than double the usual grosses. With matinee crowds off all over town the matinee price was cut to the former 25-cent figure.

With "Solitaire Man" the gross dropped to nearly half those of the former three weeks, and the top was lowered to the former 40 cents, thus avoiding the tax.

Two first runs, the Denham and Orpheum, with stage shows, are getting the same prices, 25 to 40 cents, as are the Aladdin and Paramount, which have organists and shorts to fill out their programs.

The Aladdin and Denver, running "The Bowery" day and date this week, are getting different prices for top. The Aladdin is getting 40 cents, showing the feature, shorts and a short organ number, while the Denver is getting 50 cents for the feature, shorts, an organ number and an Indian dance. The Aladdin, on the second night, had a large holdout, while the Denver had quite a lot of empty seats.

The chief theatres in Pueblo and Colorado Springs, both owned by the Westland Theatre Corp., have lowered their top from 40 cents to 25 cents. F. W. C. has indicated it will not change prices. In the Denver territory it has competition in only two locations.

Two Camera Unions Call Coast Meetings

HOLLYWOOD, Oct. 22. — With the A.S.C. already operating under an agreement with 11 major studios, the society is contemplating amendments to this agreement and has called a mass meeting of all members, including second cameramen, assistants and still photographers. It will hold an open discussion on problems confronting each branch of the organization and make recommendations that will better working conditions, which in turn, will be drafted into a new agreement with producers.

In the meantime, the camera union has called a mass meeting for the same night the society holds its session. This group will discuss the action to be taken over the recent studio strike and also reveal what happened at the Washington code conference. This looms as a showdown on whether the American Society of Cameramen will dominate or the cameramen's union.

Insiders' Outlook

(Continued from page 2)

on their hands either. Rosenblatt was directly responsible for a substantial portion of the apparently cock-eyed accounts that hit the wires out of Washington. The deputy was under pressure. Everyone knew it. His usual day started at nine in the morning and ended only when the hands of the clock had traversed most of the succeeding twenty-four hours. That seemed little excuse, however, for the amazing consistency of much of the information gleaned at the regular press interviews which he had decreed. The situation was something like this:

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Rosenblatt ruled he would not talk between or after press interviews. On some days, he met reporters at noon and again at five. On vital points, more often than not, he had nothing to say. Anything that developed after five was like playing the field for the men covering the story. Rosenblatt had arbitrarily ruled he would not talk. Why call him? Nobody did often. When he did not dodge pivotal questions, he was brusque. When he wasn't brusque, he was inclined to be noncommittal. When he wasn't noncommittal, he would make statements only to change them the next day.

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This happened when the ten per cent cancellation clause was agreed upon. The deputy, pressed for specific points of information, made the unequivocal statement that the cancellation was flat and minus strings of any description. Checking in with exhibitors that night caused many eyebrows to raise. There were restrictions. Plenty of them, it appeared. The following day Rosenblatt conceded what he had denied the night before. He waxed indignant when MOTION PICTURE DAILY tipped highlights of the word which the President had instructed the deputy to pass on to the major producers. This had to do with curbs on high salaries, the right to buy, protection of small enterprises. The indignation led to his denial that White House influence had any bearing whatsoever on the first recess. At least two dozen men knew otherwise.

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When MOTION PICTURE DAILY stuck to its guns and insisted that salaries and a commission to fix them were tying the producer conferences in knots, Rosenblatt again made the first page with a denial. It was "inspired propaganda." Which was no way to talk about the Chief Executive. In the last stages of a grind which the assembled trade paper men on the Washington front united in describing as the toughest assignment ever thrown their way, the deputy persistently insisted that he "did not know" when the third code revision would be ready. That was on Monday at five o'clock. Yet at midnight, two copies were in the hands of "several people who counted." Tuesday morning, Rosenblatt apparently continued in the dark.

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What he did not count upon —maybe he won't know it until he reads this — was that the third revision was being thrown around carelessly in the press room and was available to those who "were principally interested." At five o'clock and despite the vast indecision of the night before, the third drafts were on deck—enough of them to take care of all hands. Rosenblatt then admitted that the revision had left 15 hours earlier by airmail for Chicago, there to be scrutinized by Edward N. Hurley, NRA labor board advisor.

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While the deputy was certain that the cash penalty provision aimed at those who encourage unreasonable salaries did not conflict with the NIRA, elsewhere on the fourth floor of the Commerce Building Administrator Johnson was telling newspaper men he regarded it as "incompatible with the law." So it ran on interminably while an industry with millions at stake was being dealt conflicting, constantly shifting information on a situation that should have been full of daylight but was not.

KANN

Para. Buys "Wolf" Song

HOLLYWOOD, Oct. 22.—"Who's Afraid of the Big Bad Wolf," the hit song from Walt Disney's "Three Little Pigs," is continually ringing the bill for the cartoon producer.

Paramount is the latest company to purchase the right to use the ditty. The Four Mad Marxes will warble it in "Duck Soup."

Disney also sold the privilege to M-G-M to use in "Hollywood Party," along with the casting of "Three Pigs."

Fox Adds "Masquerade"

HOLLYWOOD, Oct. 22.—"Masquerade," an original story by John Reinhardt and William Kernell, has been put on the Fox Spanish production program. Raul Roulien is slated for the top spot, with Reinhardt getting the directorial job.

"Conquistador," with Jose Mojica and "Cardboard City" featuring Catalina Barcena, are two more Spanish talkers scheduled to go into work within a week.

Hollywood Personals

Hollywood, Oct. 22.

LEONARD FIELDS and DAVID SILVERSTEIN have been added to "Manhattan Love Song" as a "writer-director team (Monogram).

KAY FRANCIS has recovered from a siege of makeup poisoning, and is back in the cast of "Mandalay" (Warners).

SAMUEL HOFFENSTEIN has been engaged by Fox to do the screen play of "All Men Are Enemies."

ADRIENNE AMES, JACK LARUE and ROSCOE KARNS assigned to "Trumpet Blows" (Paramount).

WILLIAM PAWLEY has been resigned by Fox for a role in "Jimmy and Sally."

CLARK GABLE has been signed for the male lead in "Night Bus" (Columbia).

MAX BAER and MARY CARLISLE added to the cast of "Hollywood Party" (M-G-M).

ARTHUR HOHL and ROBERT McWADE grab parts in "Hi Nellie!" (Warners).

MAY ROBESON will play the feature roll in "The Witch of Wall Street" (M-G-M).

ROBERT NATHAN'S "One More Spring" has been purchased by Fox.

MORGAN WALLACE spotted in "Queen Christina" (M-G-M).

HARRY POLLARD has been signed to direct "Five Days" (M-G-M).

HELENA PHILLIPS goes into "Chrysalis" (Paramount).

MATT McHUGH has been assigned a role in "Hi, Nellie" (Warner).

Massachusetts Poli Price Is $875,000

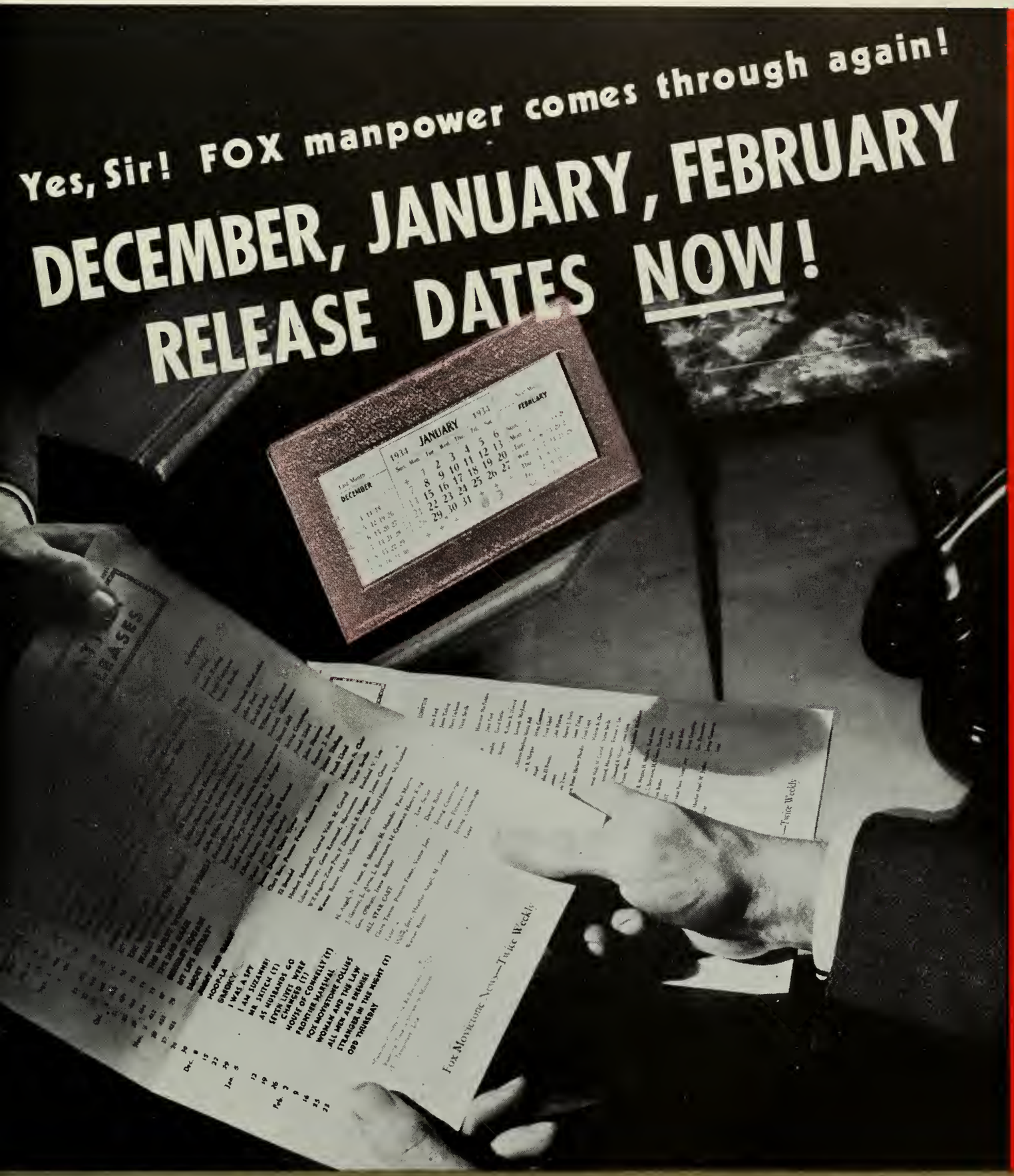
SPRINGFIELD, Mass., Oct. 22. — Massachusetts houses of the Fox New England circuit were auctioned off here for $875,000. The purchasers were John A. MacNaughton and W. B. F. Rogers, the New York attorneys who bid in the Connecticut theatres for $2,226,000 earlier in the day.

They are acting in behalf of an underwriters' syndicate headed by Halsey, Stuart & Co. If the plan is approved by Federal Judge Edwin S. Thomas on Oct. 30, S. Z. Poli will head a new company to take over the circuit.

Hankin Made Warner Main Line Manager

PITTSBURGH, Oct. 22.—A last-minute change in plans brings Sol Hankin, formerly of the Pittsburgh zone but more recently of Milwaukee, back to town as Main Line district manager for Warners instead of Eddie Moore, as announced. With reopening of the Park in Johnstown, Moore stays there as city manager.

Hankin has been succeeded as zone manager in Milwaukee by Dave Weshner. He takes over the Pittsburgh post vacated some time ago by Gilbert Josephson.



Again the *only* company to do it. Great... Isn't it? Those dates will be met, too ... titles, stories, casts, directors! Because the FOX studio realizes what *definite dates* mean to you as a showman and a *business man.* Sound showmanship...that's the way FOX manpower operates. Going steadily, aggressively forward. Minding its own business and boosting yours. *More than* keeping its promises ... by taking *good* pictures and making them *great!*

Now...

AIMED AT THE 3 BIGGEST

THIRTEEN pictures specially produced and dated for the holiday and winter season. Check over each one . . .

CLARA BOW
again rises to dramatic heights in
HOOPLA
With Preston Foster, Richard Cromwell, Herbert Mundin, James Gleason, Minna Gombell. Directed by Frank Lloyd.
A Rockett production.
Released November 30th

I WAS A SPY
MADELEINE CARROLL
HERBERT MARSHALL
CONRAD VEIDT
Released December 15th

7 LIVES WERE CHANGED
Heather Angel, Norman Foster, Herbert Mundin, Ralph Morgan.
Released January 12th

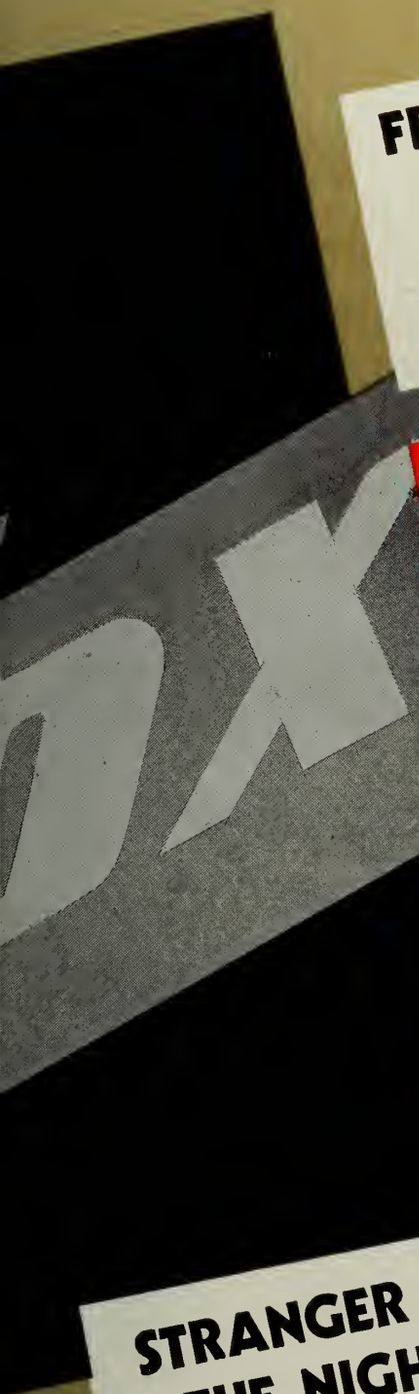
WILL ROGERS
hits a new hilarity high as
MR. SKITCH
with
ZASU PITTS
Rochelle Hudson, Florence Desmond, Harry Green. Directed by James Cruze.
Released December 29th

SMOKY
WILL JAMES' great story
with
VICTOR JORY
Irene Bentley, Will James
Released December 8th

I AM SUZANNE!
starring delightful
LILIAN HARVEY
with GENE RAYMOND
LESLIE BANKS
The Teatro del Piccoli and The Yale Puppeteers. Directed by Rowland V. Lee.
Jesse L. Lasky production.
Released December 22nd

AS HUSBANDS GO
with
WARNER BAXTER
Helen Vinson, Warner Oland
Catharine Doucet
From Rachel Crother's stage smash
Jesse L. Lasky production.
Released January 5th

MONTHS OF YOUR YEAR!



FRONTIER MARSHAL

with
GEORGE O'BRIEN
Irene Bentley

Released January 26th

JANET GAYNOR
LEW AYRES
LIONEL BARRYMORE
HENRIETTA CROSMAN

in

THE HOUSE OF CONNELLY

with Stepin Fetchit

A Henry King production.

Released January 19th

FOX MOVIETONE FOLLIES

Janet Gaynor
Lilian Harvey **Warner Baxter**
Lew Ayres **Spencer Tracy**
James Dunn **Sally Eilers**

Heather Angel, John Boles, Norman Foster, Victor Jory, Herbert Mundin, Preston Foster, Florence Desmond, Rochelle Hudson, Harvey Stephens, Sid Silvers, Mona Barrie, Miriam Jordan, Dixie Frances, Claire Trevor, Wini Shaw, Stepin Fetchit. *Plus* Girls! Music! Novelty! Story! *Lew Brown production.*

Released February 2nd

WOMAN AND THE LAW

Victor Jory Claire Trevor
Howard Lally

Released February 9th

ALL MEN ARE ENEMIES

Here, unquestionably, is one of the year's great pictures. A best-seller on two continents . . . exultant with the sheer joy of living . . . glorified by the most beautiful romance ever attempted on the screen. An exceptional cast is being chosen.

Al Rockett production.

Released February 16th

STRANGER IN THE NIGHT

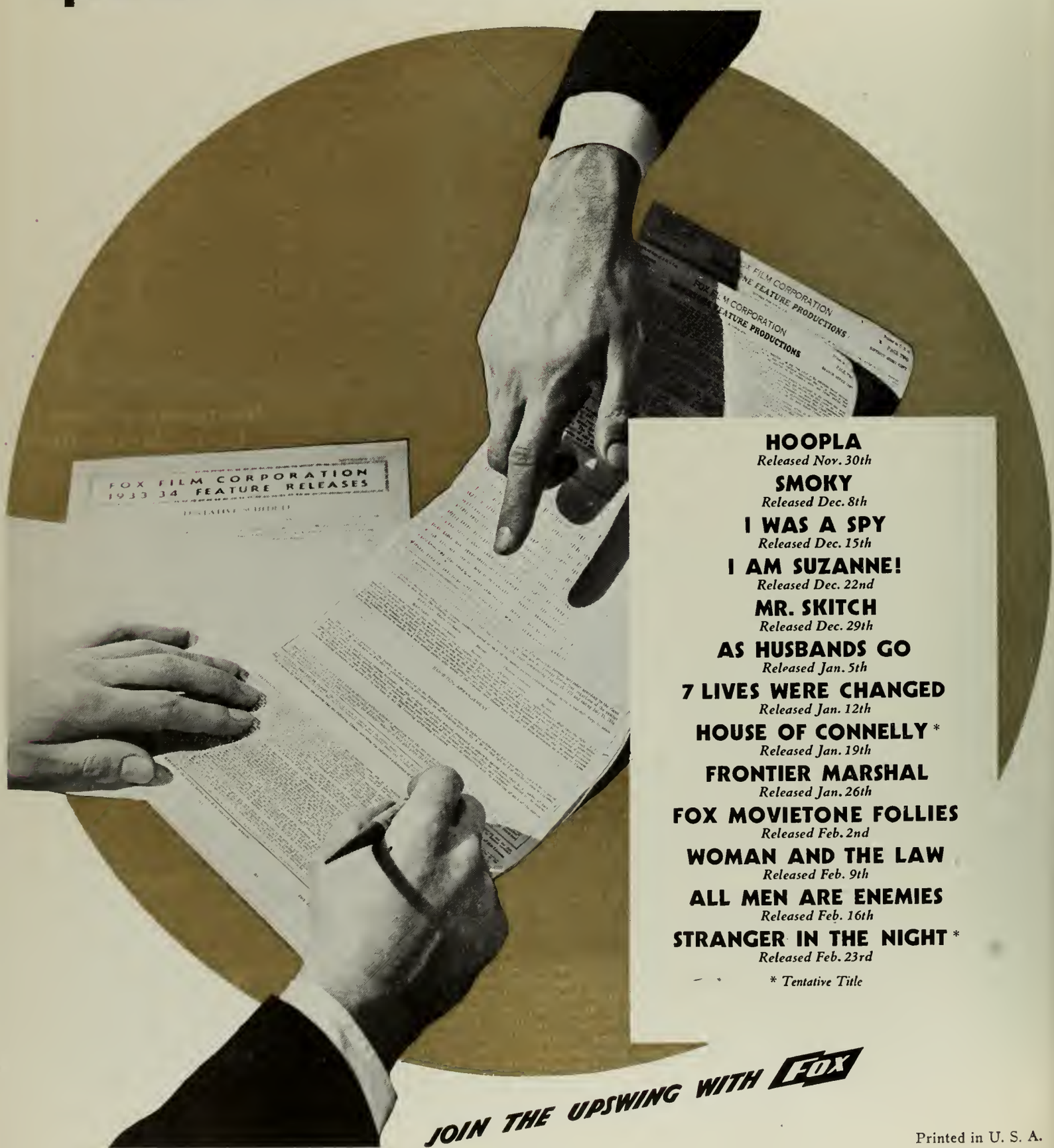
Victor Jory Heather Angel
Miriam Jordan

Directed by Irving Cummings.

Reieased February 23rd

What do you say...

RIGHT... Even stronger than that FOX first quarter smash

And it takes some going to outshine hits like "My Weakness," "Berkeley Square," "The Power and the Glory," "Dr. Bull" and "Paddy." FOX manpower —"not crowing, just growing"— makes this possible. And FOX manpower is proving daily that *only* such an organization can *guarantee* you *consistently great* product ... *delivered on time.* Be smart ... join that ever-swelling group of happy FOX exhibitors ... and **"Put It Here!"**

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ALL MEN ARE ENEMIES
Released Feb. 16th

STRANGER IN THE NIGHT *
Released Feb. 23rd

* *Tentative Title*

JOIN THE UPSWING WITH FOX

Printed in U. S. A.

Cost in East Below Coast, Says LeBaron

HOLLYWOOD, Oct. 22.—Eastern production costs are as low, or lower, than west coast costs, according to William LeBaron, Paramount associate producer.

With modern improvements in lighting, he says, this reason for California production has disappeared, and the only reason New York has not developed as a film center is because the business "cannot be moved" from the coast.

LeBaron asserts records at the Paramount studios in Astoria under his regime revealed that "our costs were just as low as in Hollywood—as a matter of fact, a little lower."

"New York gave many advantages," declares the producer. "There was the proximity of plants manufacturing items needed in pictures. The majority of the most important writers lived there. New York also presented an opportunity to get away from shop talk and motion picture atmosphere. New York is the center of film distribution. If production could be centered in New York, efficiency naturally would be increased.

Easier to Get Talent

"Production in New York makes it easier, less expensive and sometime wholly possible to secure certain talent. Many stage stars are denied appearances on the screen at a time when they are 'hot' because of stage contracts. Others prefer to divide their time between stage and screen. The same is true of opera stars, while radio personalities either have to be taken after they have completed radio contracts—at which time they may have faded in popularity—or be brought to Hollywood where the studio would have the expense of paying for line charges for the contracted radio broadcasts of the artists."

It is LeBaron's opinion "the ideal situation for film production" would be the maintenance of studios both in New York and Hollywood. Such an arrangement, he holds, would make possible "a healthy interchange of workers" and prevent staleness.

"The time for the establishment of such a policy will depend on the return of excellent business and the possibility of major companies increasing their output by about 20 pictures, which will be made in New York. This increase will be the only chance for two studios, since any cutting down of present capacities of Hollywood studios by transferring a portion to New York would cut down the efficient and economic basis on which studios now are geared."

Chicago Critics to Cover Opening Here

Critics of all the Chicago dailies will arrive in town Wednesday as guests of Warners for the opening of "The World Changes" at the Hollywood.

Another opening night stunt will be the use of a radio pencil by Paul Muni to send a message to Jack L. Warner at the theatre. It's a new invention from the Dumont Laboratories here.

The Hollywood Parade

By BILL SWIGART

Hollywood, Oct. 22.

AFTER considering more than 800 suggested titles for JESSE LASKY's "Puppet Show," caption of "I Am Suzanne" looms as the possible final selection. And speaking of titles, Paramount has changed "Captain Jericho" to "Hell and High Water."

•

WILLIAM CONSELMAN and IRVING CUMMINGS, author and director of the screen's first gangster picture, "Dressed to Kill," were reunited at the Fox Hollywood studio with the filming of "The Mad Game." The new opus is not a gangster picture.

•

With an over-supply of beer gardens and three-point-two beer saloons making a play for the thirsty mob of the film colony, ARTHUR CAESAR'S big brother, IRVING, is said to be backing an elaborate beer grotto established in the swanky office building formerly occupied by the defunct Hughes-Franklin theatre headquarters.

•

With the cement hardly dry on the final clip of their initial production, "Hell and High Water," WILLIAM SLAVENS MCNUTT and GROVER JONES were called into the executive chambers at Paramount where a new contract was signed calling for three more pictures, all to be written, produced and directed by them.

•

MARCIA RALSTON could not endure the absence of her husband, PHIL HARRIS, so she up and asked the powers that be at M-G-M to grant her a 30-day leave from her contract that she might join the band master at the College Inn in Chicago. She got the furlough.

•

WILLIAM FAVERSHAM arrived here from Baltimore after enduring harrowing experiences aboard a tramp steamer, which weathered many storms en route via the Panama Canal. FAVERSHAM says he plans to establish a laboratory theatre for the development of young screen players.

•

SAM JAFFE has peddled off his "Mad Dog of Europe." It has been before HARRY COHN. . . . KING VIDOR's next for Radio will be "The Right to Live". . . . In addition to her Radio contract salary, GINGER ROGERS will receive $3,500 bonus from CHARLES ROGERS for her work in "Sitting Pretty". . . .

•

MAE WEST, like GEORGE O'BRIEN, values that personal contact with exhibitors throughout the country by constantly corresponding with them. These are the only two screen players known to be taking an interest in the men that deliver their merchandise directly to the consumer, and through an interchange of ideas are better able to improve and give the public what it wants, at least as far as they personally are concerned.

•

It is the opinion of MAXWELL ARNO, casting director at Warners that good looking, competent leading men are more scarce now than ever before. Warners have conducted an intensive search for young leading men within the past three months, with six signed who have yet to make their screen debuts. They are GEORGE BLACKWOOD, PHILLIP FAVERSHAM, THEODORE NEWTON, DONALD WOODS, PHILLIP REED and PAUL KAYE.

•

BITS OF THIS AND THAT. . . . Unable to reach JIMMY CAGNEY, a fan magazine writer approached MRS. JIMMY for the purpose of getting the domestic side of the Warner star's life, but MRS. JIMMY put thumbs down, saying that she always lets JIMMY do the talking for the family. . . . LEW CODY back from New York where his transportation, expenses and a nice bonus were paid for one broadcast from a New York studio. . . . JOHN BOLES will span the life of a composer who lives 100 years in his forthcoming picture, "Romance of Music," to be directed by VICTOR SCHERTZINGER for Universal. . . . LYA LYS is using every precaution to keep her real name a secret. . . .

•

RATHER UNUSUAL—MR. and MRS. GAYNE WHITMAN celebrate their 22nd wedding anniversary. . . . ED WYNN started to write a book on the philosophy of a fool four years ago and it isn't finished yet. Perhaps he is waiting for the outcome of his proposed broadcasting chain. . . . HARRY COHN looking for un unknown who can be made a star in one picture. . . . DORIS KENYON has been singing around the local radio stations under the name of MARGARET TAYLOR and now that she has found the reception highly favorable she intends to trek to New York for a worthwhile ether contract under her own name. . . . FRANCES DEE and JOEL MCREA registered protest against Radio's publicity department for capitalizing on their romance. . . . BRUCE CABOT is being labelled the GABLE of the Radio lot and he doesn't like it VERY much. . . .

Trendle Makes Fast Changes at Detroit

DETROIT, Oct. 22.—He's back on familiar ground. George W. Trendle who took over management of the local Publix theatres last week, has moved the general offices from the Michigan Theatre Building to their former quarters in the Madison Theatre Building, where they were under the Kunsky-Trendle regime.

Trendle has named Thomas D. Moule to continue as supervisor and booker for the first run theatres. L. H. Gardner, who had the same position with the old Kunsky-Trendle organization, is in charge of the outlying theatres.

Howard Pierce, another old Trendle employee, has resumed his former post of production head and advertising and publicity manager. Pierce is assisted by Sam Rubin, formerly of the Publix publicity department, who was made manager of the Fisher when Herschel Stuart and Terry Turner came to Detroit. S. L. Corbin, former manager of the Fisher, has been reappointed to that job.

Trendle said that he expected to make further changes within a short time. Friday will be opening date for all new shows. He will end smoking in houses where it is now permitted and will "have the show on the inside instead of the outside" by doing away with "gaudy theatre fronts."

Neth Appeals For a Fight On Ohio Tax

COLUMBUS, Oct. 22.—J. Real Neth has addressed an appeal to exhibitors throughout Ohio asking them to line up behind Pete Wood, business manager of the MPTO, in an effort to secure the repeal of the present tax on all tickets from 10 cents up when the legislature reconvenes in January.

Speaking as an independent exhibitor, Neth predicts that unless exhibitors put up a united front the ticket tax will be permanent. A pending constitutional amendment provides for lowering the real estate tax and probably will result in the imposition of a sales tax, he says.

A movement under way in Cleveland to get an amendment to the present tax to raise the ticket exemptions to 20 or 25 cents is "utterly ridiculous," he asserts.

"If our ranks are divided," Neth writes, "every exhibitor in Ohio will continue forever to pay an admission tax. But if we line up solidly behind someone who, in my opinion, has proven by past performance that he has the interest of all exhibitors at heart, we can relieve ourselves of the present obnoxious tax. The present admissions tax is due to the dissension which occurred among our members during the recent session."

Montgomery Named U. A. Chicago Head

T. C. Montgomery has been promoted by United Artists to succeed Eddie Grossman as manager of the Chicago exchange.

J. D. Goldhar, district manager for United Artists in Cleveland, Detroit, Indianapolis and Cincinnati, has had his authority extended to the Chicago and Milwaukee districts. S. Horowitz, district supervisor for Kansas City, Omaha, Denver and St. Louis, will henceforth also have the United Artists office in Minneapolis under his supervision.

New Warner Men Leave

Warners have just sent three new men into foreign posts. They are: Ray Price, to Peru; Joseph G. Mullin, to Buenos Aires, and Clifford E. Almy, to the Far East.

Hammons Returning

E. W. Hammons, Educational president, who has been in Hollywood conferring with studio officials for the past two weeks, is due back in New York on Wednesday.

Penn. Censor on Coast

HOLLYWOOD, Oct. 22. — Sam Schwartz, chairman of Pennsylvania's censor board, is in town getting a ground floor view of how good and bad pictures really can be made.

Norma Shearer Sick

HOLLYWOOD, Oct. 22. — Norma Shearer is at her home in Santa Monica with an attack of influenza.

Ann Harding Ill

HOLLYWOOD, Oct. 22.—Ann Harding is ill at her home with influenza.

A NEW STAR
IS BORN ! !

ONLY
YEST

Wire from James R. Grainger from studios to Home Office:

"Screened Only Yesterday and in my opinion, based on years experience with various companies, you can safely guarantee to every exhibitor lucky enough to have a contract with Universal that it's the finest love story ever screened . . . Back Street compares as a two-reel comedy to Only Yesterday . . . Have never been so enthused in my life . . . You can immediately set in time in all the houses, and any exhibitor who does not cash in on this attraction should get out of this business immediately. Margaret Sullavan becomes a new star—a star who will rank with the outstanding stars of the screen and I mean the biggest . . . Boles gives a performance that is almost unbelievable . . . Sincerely feel we have picture that will create history . . . A woman's picture based on a human story that is always a surefire theme . . ."

•

With MARGARET
SULLAVAN
JOHN BOLES

•

JOHN M. STAHL'S

Greatest Production For Universal

93 feature players in the cast, including Edna May Oliver, Billie Burke, Benita Hume, Onslow Stevens, Reginald Denny, Jimmie Butler, Marie Prevost, Franklin Pangborn. Produced by Carl Laemmle, Jr. Suggested by the book by Frederick Lewis Allen. Dialogue by William Hurlbut. Presented by Carl Laemmle.

ERDAY

"Love, Honor" Tops Omaha with $12,000

OMAHA, Oct. 22.—"Love, Honor and Oh, Baby!" with a Jay C. Flippen unit and a fan dancer on the stage shoved the Orpheum gross up to $12,000 last week, thereby topping par by $3,500.

The opening bill at the Brandeis, "Ann Vickers" and "Melody Cruise," reached $6,000.

Total first run business was $30,525. Average is $26,750.

Estimated takings for the week ending Oct. 14:

"ANN VICKERS" (Radio)
"MELODY CRUISE" (Radio)
BRANDEIS—(1,200), 20c-25c-35c. 7 days. **Gross:** $6,000. (Average, $5,000.)
"LOVE, HONOR AND OH, BABY" (Univ.)
ORPHEUM—(3,000), 25c-35c-40c-50c, 7 days. Stage: Jay C. Flippen unit. **Gross:** $12,000. (Average, $8,500.)
"NIGHT FLIGHT" (M-G-M)
PARAMOUNT—(2,900), 25c-30c-35c-50c, 7 days. **Gross:** $7,775. (Average, $7,500.)
"SATURDAY'S MILLIONS" (Univ.)
"LADIES MUST LOVE" (Univ.)
WORLD—(2,200) 25c-35c, 7 days. **Gross:** $4,750. (Average, $5,750.)

"Angel," "Parade" Get Extended Time

PITTSBURGH, Oct. 22.—Although they will not be released for the subsequent stands until around Thanksgiving, both "I'm No Angel" and "Footlight Parade" have been given extended playing time all over the Pittsburgh territory.

They will play a week in all of the two and three-day theatres and in several instances the time is even longer than that. Before these two pictures have finished, they will have established local records for playing dates.

"Footlight Parade" is now at the Stanley, while "I'm No Angel" opens at the Penn this week.

Para. Raises Ante On "Bengal Lancer"

HOLLYWOOD, Oct. 22.—Paramount is planning an unlimited budget for "Lives of a Bengal Lancer," slated to start about Oct. 29.

With the studio figuring on road-showing the picture, it has been decided to throw in all available finances.

Achmed Abdullah and Waldemar Young have just completed the script and it is getting studio raves. A search is now on for the lead spot, Fredric March having stepped out for a previous assignment in "Death Takes a Holiday."

Monogram to Stress Exploitation Angle

HOLLYWOOD, Oct. 22.—Monogram will concentrate on exploitation angles for the remainder of its season's product, according to Trem Carr, vice-president in charge of production.

"Entertainment value is not enough," he says. "The best picture in the world won't sell without exploitation value, and that is what we intend to give them."

Columbus House Cuts

COLUMBUS, Oct. 22.—The Royal, subsequent run house, has reduced its admission scale from 15 to 10 cents, daily including Sunday.

Looking Over the Shorts

"A Divorce Courtship"
(RKO Radio)

Joseph Cawthorne as a judge tries to get Harry Gribbon, a magician, and his wife to call off divorce proceedings and invites them over to his house to show them how happily married he is with Mae Busch. A new neighbor starts the fireworks in the judge's home when she asks to use the phone and later calls the magistrate into her apartment to help her open a cocktail shaker. Miss Busch walks out on the judge and the young blonde neighbor assumes the role of the wife when the visitors arrive. Further complications set in and before the evening is half over the three wives and husbands decide to go in for divorces. Had a neighborhood audience in stitches. Running time, 19 mins.

"Open Sesame"
(Universal)

Franklin Pangborn tries to sell Dorothy Christy a country estate for her husband, Henry Armetta. Fred Kelsey, as a private detective, but in, thinking he is picking out a love nest for her. Pangborn decides Armetta is insane and complications ensue. They grew acute when two escaped lunatics burst into the picture. It's slapstick, but was good for a number of laughs from a projection room audience. Running time, 20 mins.

"Russia Today"
(Carveth Wells)

Carveth Wells, explorer, offers exhibitors something of real merit in this record of Russian life under Soviet rule. The film chronicles scenes on a journey from Leningrad across Russia to Mount Ararat. Much of its interest is due to the narrative supplied by Wells, whose humor and informal delivery are entertaining. The picture gives many sidelights on Russia and Russians that are little known outside of the Soviet. Running time, 42 mins.

"Wonders of the Tropics"
(Principal)

Penetrating the jungle of the Amazon in South America, this short captures much of the beauty and tragedy of wild life in the jungle. There are several moments that bristle with excitement. It ought to be first rate entertainment for those who like pictures of this type. Running time, 32 mins.

"She Done Him Right"
(Universal)

A "Pooch" cartoon, with the pup appearing as star entertainer in a beer garden. In the course of a series of happenings Pooch rescues Poodles from the villain after a railroad train collision in a tunnel. Running time, 7 mins.

"Grand Uproar"
(Educational)

Another of the "Terry-Toon" cartoons which has the animated creatures opera-minded. Youngsters generally will like the way the animals come to the theatre and how they treat performers whom they don't approve. Running time, 7 mins.

"City of the Sun"
(Monogram)

In the heart of Africa the camera finds Jaipur, the City of the Sun, where the natives lead a lazy life and those who work engage in carving ceramics and other works of art. In addition to depicting the life of the natives, the artistic effect of the country is established in a number of its important structures. Deane H. Dickason gives a word description of the country and this aids in making the number interesting. This is another of the "Port O' Call" series produced by William Pizor. Running time, 9 mins.

"The Big Benefit"
(Universal)

Something new in screen divertissement and sure to bring favorable comment. It's the third in a series being produced by Mentone and has a number of juveniles staging a benefit for a swimming pool. Each impersonates a well known actor and later the player being mimed comes to the screen. Among these are Bill Robinson, Rae Samuels, Leon Janney and Bobby Jordan. Running time, 21 mins.

"Be Like Me"
(Paramount)

Ethel Merman sings two songs in her characteristic style. Her powerful voice is brought out clearly in this number. She warbles "Be Like Me" and "After I'm Gone." The short opens in a Mexican cafe operated by the singer. The captain of the marines has ordered all white women to return to America that night, but he makes the heroine's lover stay over. She learns of the scheme and promises to be true until her hero returns. Running time, 10 mins.

"On the Air and Off"
(Universal)

One of the Mentone productions with plenty of laughs. The manager of a soap factory decides to go in for a radio advertising campaign. They tune in on various programs and hear Nick Lucas, Hizi Koyke, Leon Belasco, Adelaide Hall, Eddie Garr, Bovord Sisters and Murray, Sam Liebert, Lord Oliver Wakefield and Kelvin Keech. Running time, 19 mins.

"The Pied Piper"
(United Artists)

This comes pretty close to being a classic, with adult as well as child appeal. It is based on the Mother Goose legend and done in Technicolor. Most of the dialogue accompanies the music, following the comic opera pattern, and there are four good songs. Running time, 7 mins.

"Strange As It Seems"
(Universal)

The mixture of subjects is interesting. They include a duck-billed platypus, a three-eyed lizard, flying dogs, cobras, tarantulas, and an armless man who throws knives with his toes at a young woman. Running time, 9 mins.

"Love, Honor" Gets $8,000, Des Moines

DES MOINES, Oct. 22. — "Love, Honor and Oh, Baby!" put the Paramount on easy street last week with a gross of $8,000, over par by $1,000. This was the second $8,000 week for the house.

"Stranger's Return" was also $1,000 up with a take of $4,000 at the Garden, and "Turn Back the Clock" was strong at $4,500 at the Strand.

Total first run business was $27,500. Average is $24,500.

Estimated takings for the week ending Oct. 15:

"LOVE, HONOR AND OH, BABY "
PARAMOUNT—(2,300), 10c-25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000.)
"NIGHT FLIGHT" (M-G-M)
DES MOINES—(2,200), 10c-25c-35c, 7 days. **Gross:** $6,000. (Average, $6,000.)
"BUREAU OF MISSING PERSONS" (F. N.)
ORPHEUM—(2,200), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $4,500.)
"TURN BACK THE CLOCK" (M-G-M)
STRAND—(1,900), 10c-25c-35c, 7 days. **Gross:** $4,500. (Average, $4,000.)
"STRANGER'S RETURN" (Fox)
GARDEN—(1,300), 10c-15c-25c, 7 days. **Gross:** $4,000. (Average, $3,000.)

Pickets' Sign Gone; Arrest Theatre Man

MILWAUKEE, Oct. 22.—Manning Silverman, operator of the Murray, Fern and Park theatres, neighborhood houses and a theatre in Kenosha, has been charged with larceny of a union picketing sign valued at $5 and with contributing to the delinquency of a 16-year-old boy.

Operators' Local 164 has been picketing the Murray. Silverman is charged with sending the boy employed by him to remove the sign from a hall where it was kept, and it is alleged that he then destroyed it. Silverman denied any knowledge of the alleged incident. He has been employing operators affiliated with Independent M. P. Operators' Union, Local No. 110.

"Tango" Game in Seattle

SEATTLE, Oct. 22.—"Tango" games, which have been distressing to exhibitors in southern California, are just beginning to appear in this city. They are being advertised as "Hollywood Skill Ball."

The first game to open here has already been closed by local authorities as a gambling game, but four other leases on downtown stores have been signed by other operators who are planning to fight the gambling charge.

Roach Orders Air Travel

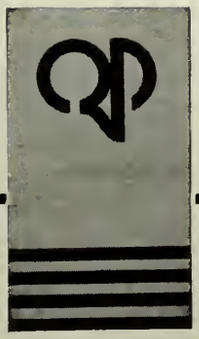
HOLLYWOOD, Oct. 22.—Hal Roach has decreed that all east-west business jaunts of the future will be by the airlines.

This was decided by the producer following the return from New York of Henry Ginsberg, studio manager, who completed the trek in seven days, which included a four-day conference with distribution officials in New York.

DeMond Joins Monogram

HOLLYWOOD, Oct. 22.—Albert E. DeMond, author of the Monogram feature, "The Sphinx," has been signed to do the screen adaptation on "The Ape," for that studio. Adam Hull Shirk authored the stage play. George Berthelon will supervise the production.

Let's think



PICTURE BUSINESS

The codifiers codificate, but some fourteen thousand theatres are much more concerned about filling a few million seats. . . . Double bills or single bills . . . this or that . . . there are 365 playing days ahead and they do deserve attention. . . . Let's think picture business instead of code . . . and let the committees write the code. New product needs much more attention . . . and it is going to get that attention in

the annual
NEW PRODUCT
number of
MOTION PICTURE HERALD

COMING

IN THE ISSUE OF **OCTOBER 28**

"Bowery" Is Hit, $18,000 In Cleveland

CLEVELAND, Oct. 22.—What "The Bowery" did at the State last week will keep tongues wagging here for some time. The take of $18,000 was just three times the normal $6,000, and that's enough to get any showman excited these days.

Vaudeville came back to the RKO Palace, with "Ann Vickers" on the screen and the gross was $18,500. "Dinner at Eight," with a $1.50 top, was good for $10,000.

Total first run business was $73,600. Average, without the RKO Palace is $31,000.

Estimated takings for the week ending Oct. 13:

"LOVE, HONOR AND OH, BABY" (Univ.)
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,500. (Average, $3,000.)

"OBEY THE LAW" (Col.)
HIPPODROME—(3,800), 35c-44c-60c, 7 days. Stage: Mills Brothers, Collette Lyons, Davey & Peggy, Bob Ripa, Floyd Christy & Co. **Gross:** $16,500. (Average, $14,500.)

"WILD BOYS OF THE ROAD" (F. N.)
WARNER'S LAKE—(800), 30c-35c-44c, 7 days. **Gross:** $3,300. (Average, $3,500.)

"ANN VICKERS" (Radio)
RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: Morton Downey, Watson Sisters, Joe & Pete Michon, Gracella & Theodore, Four Ortons. **Gross:** $18,500.

"THE BOWERY" (U. A.)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $18,000. (Average, $6,000.)

"BEAUTY FOR SALE" (M-G-M)
"IMPORTANT WITNESS" (Tower)
STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $3,800. (Average, $4,000.)

"Vickers" $6,500 Hit, Indianapolis

INDIANAPOLIS, Oct. 22. — "Ann Vickers" ran away with the big business here last week, grabbing $6,500 at the Circle and topping the normal gross for the house by $3,000.

"Night Flight" reached $6,000, up by $1,500, at the Palace.

Total first run business $25,000. Average is $20,500.

Estimated takings for the week ending Oct. 12:

"THE POWER AND THE GLORY" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500.)

"ANN VICKERS" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $6,500. (Average, $3,500.)

"TORCH SINGER" (Para.)
INDIANA—(3,300), 25c-55c, 7 days. Stage show. **Gross:** $10,000. (Average, $10,000.)

"NIGHT FLIGHT" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500.)

Try First Runs at 15c.

REDWOOD CITY, Oct. 22.—First runs at 15 cents, all seats, any time, are soon to be launched by the Redwood, operated by Phil Frease and Leslie Jacobs. Among first runs contracted for are Universal, Columbia and Monogram. Second runs will be sandwiched in from time to time. The house, recently built, seats under 600.

Burkhardt to Warners

HOLLYWOOD, Oct. 22.—Robert Burkhardt, formerly with the local Fox publicity department, has joined the Warner publicity department to work on production and to write personality build-up features.

"Footlight" Makes a Hit On Broadway at $55,190

"Footlight Parade" lived up to opening week expectations at the Strand by garnering $55,190, with one exception the biggest gross on Broadway.

Top money went to the RKO Music Hall as usual, but the take of $65,014 on "Dr. Bull" was nearly $30,000 under the previous week's gross on "Ann Vickers."

"Night Flight," helped by a strong stage show at the Capitol, took $52,506, and "Torch Singer" jumped the Paramount gross to $52,000. "Dinner at Eight" held up to $16,344 in its seventh week at the Astor.

Estimated takings:

Week Ending Oct. 11:

"BERKELEY SQUARE" (Fox)
GAIETY—(808), 55c-$1.65, 4th week, 7 days. **Gross:** $8,000.

"I LOVED A WOMAN" (F. N.) (Second Run)
HOLLYWOOD—(1,545), 25c-85c, 7 days. **Gross:** $7,939.

"DR. BULL" (Fox)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $65,014.

"FOOTLIGHT PARADE" (Warners)
STRAND—(2,000), 35c-$1.25, 7 days. **Gross:** $55,190.

Week Ending Oct. 12:

"MY WEAKNESS" (Fox)
CAMEO—(549), 25c-40c, 7 days. **Gross:** $1,636.

"NIGHT FLIGHT" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Al Trahan, John Fogarty, Ted Healy, Enrica & Novello, Pasquali Bros. and others. **Gross:** $52,506.

"BUREAU OF MISSING PERSONS" (F. N.)
PALACE—(2,500), 25c-75c, 7 days. Stage: York & King, Lilian Miles, Roy Smeck and others. **Gross:** $10,265.

"TORCH SINGER" (Para.)
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: Sally Rand, Milton Berle, Lowe, Burnoff & Wensley, Vivian Hanis, Gordon, Reed & King. **Gross:** $52,000.

"DELUGE" (Radio)
RIALTO—(2,200), 40c-65c, 7 days. **Gross:** $8,500.

"CHARLIE CHAN'S GREATEST CASE" (Fox)
ROXY—(6,200), 25c-55c, 7 days. Stage: Boby Sanford's "Show Boat" revue, and others. **Gross:** $26,500.

Week Ending Oct. 13:

"S. O. S." ICEBERG" (Univ.)
CRITERION—(850), 55c-$1.65, 3rd week, 6 days. **Gross:** $4,200.

"POWER AND THE GLORY" (Fox) (Four Days)
"MY WEAKNESS" (Fox) (Three Days)
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $10,732.

Week Ending Oct. 15:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$1.65, 7th week, 7 days. **Gross:** $16,344.

"THE GOOD COMPANIONS" (Fox)
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $7,500.

Week Ending Oct. 17:

"THE BOWERY" (U. A.)
RIVOLI—(2,200), 35c-99c, 2nd week, 7 days. **Gross:** $39,000.

A Couple of Swedes

Hollywood, Oct. 22.—Believe it or not, the two boys who penned the song, "It's the Irish in Me," for Fox's "Jimmy and Sally," are both Swedes. Their names are Jay Gorney and Sidney Claire.

Providence Houses Bumped by Parades

PROVIDENCE, Oct. 22.—Grosses here were none too hot during the week with parades and civic celebrations drawing customers away from theatres.

The RKO Albee, which inaugurated its vaudefilm season with Paul Whiteman as a stage offering, did the best comparative business, catching $7,000 for six days. The Majestic was about average, taking in close to the $7,000 mark for the usual seven-day run. Loew's dropped off, peculiarly enough, with a fine show, "Night Flight," garnering only $9,000.

Fay's had a fair week with Marie Provost topping the vaudeville and "The Narrow Corner" as the picture. Paramount caught a par, $6,500.

Grosses for the week totalled $37,200. Average business is $40,500.

Estimated takings for the week ending Oct. 12:

"NIGHT FLIGHT" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Ralph and Olsen; Joe Browning; Pops and Louie; Abbott and Bisland; Helen Carlson. **Gross:** $9,000. (Average, $12,000.)

"THE NARROW CORNER" (F. N.)
FAY'S—(1,600), 15c-40c, 7 days. Marie Provost and Eddie Pardo topping stage bill. **Gross:** $6,500. (Average, $7,000.)

"CAPTURED" (Warners)
"MY WEAKNESS" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000.)

"MY WOMAN" (Col.)
RKO ALBEE—(2,300), 15c-40c, 6 days. Paul Whiteman and revue on stage. **Gross:** $7,000. (Average, $7,000.)

"GOLDEN HARVEST" (Para.)
"SING, SINNER, SING" (Allied)
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $6,500.)

"NEIGHBORS' WIVES" (Syndicate)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000.)

More Evergreen Men Shifted by Newman

SPOKANE, Oct. 22.—More changes are being made in the Evergreen Theatre organization, Frank L. Newman, Jr., manager, announces. E. R. Rose, assistant manager of the Fox, is going to Seattle to join H. D. McBride, who left the Fox here to reopen the Orpheum there.

Al Baker, named as manager of the Fox, Seattle, is still in the hospital recovering from an operation. Robert Moore, who was assistant to Newman in the management of the Coliseum and Paramount in Seattle and recently has been assistant at the Roxy in Seattle, will be assistant manager at the Fox.

Earl Hunt, chief artist of the organization here, has been transferred to Seattle and Paul Scott promoted to fill his place.

Hartford Going for "Three Little Pigs"

HARTFORD, Oct. 22.—Walt Disney's "Three Little Pigs" has taken this town by storm. For three weeks it has been helping to pack crowds into the Fox-Poli, Capitol and Palace theatres.

The short came here with "Tugboat Annie" and played a week at the Capitol. It was then shifted with the feature to the Palace. This week it was brought back again by Manager J. C. Brennan of the Capitol. Brennan calls it "astounding."

"Power" and "Bowery" Big Denver Hits

DENVER, Oct. 22.—Some remarkable grosses were chalked up here last week following a 15-cent cut to get under the tax and the arrival of two strong attractions.

"The Power and the Glory" piled up a remarkable $14,000 at the Orpheum, above par by $5,500.

"The Bowery," running day and date at the Aladdin and the Denver, had so many standouts that the gross was more than double average, or $6,500, at the Aladdin, and it reached $9,000, up by $3,000, at the Denver.

"Too Much Harmony," held over for three days at the Denham, with "To the Last Man" to finish the week, still filled this house and gave it a gross a little short of double average.

Total first run business was $43,000. Average is $26,000.

Estimated takings for the week ending Oct. 19:

"THE BOWERY (U. A.)
ALLADIN—(1,500), 25c-40c, 7 days. **Gross:** $6,500. (Average, $3,000.)

"TOO MUCH HARMONY" (Para.)
DENHAM—(1,500), 25c-30c-40c, 3 days holdover; and stage show. **Gross:** $5,000.

"TO THE LAST MAN" (Para.)
DENHAM—(1,500), 25c-30c-40c, 4 days. Stage show. **Gross:** $4,000. (Average for week, $5,000.)

"THE BOWERY" (U. A.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $6,000.)

"THE POWER AND THE GLORY" (Fox)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage: Fred Schmitt and orchestra. **Gross:** $14,000. (Average, $8,500.)

"STAGE MOTHER" (M-G-M)
PARAMOUNT—(2,000), 25c-40c- 7 days. **Gross:** $3,500. (Average, $3,500.)

"Beauty" Grosses $12,000, Montreal

MONTREAL, Oct. 22.—"Beauty for Sale" sent Loew's away out front last week with a take of $12,000. This beats normal by $1,500. A strong stage show helped.

"Torch Singer" and "Tomorrow at Seven" pulled $10,000 to the Capitol, above par by $1,000, and the Princess was also strong at $7,000 with "Brief Moment" and "Narrow Corner."

"Too Much Harmony" was weak at the Palace with a take of $9,500.

Total first run business was $40,900. Average is $39,000.

Estimated takings for the week ending Oct. 13:

"TORCH SINGER" (Para.)
"TOMORROW AT SEVEN" (Radio)
CAPITOL—(2,547), 25c-35c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,000.)

"NU COMME UN VER" (French)
IMPERIAL—(1,914), 25c-35c-50c-60c, 7 days. **Gross:** $2,400. (Average, $2,000.)

"BEAUTY FOR SALE" (M-G-M)
LOEW'S—(3,115), 25c-35c-50c-65c-75c, 7 days. Stage show. **Gross:** $12,000. (Average, $10,500.)

"TOO MUCH HARMONY" (Para.)
PALACE—(2,600), 25c-35c-50c-60c-75c-85c, 7 days. **Gross:** $9,500. (Average, $11,000.)

"BRIEF MOMENT" (Col.)
"NARROW CORNER" (Warners)
PRINCESS—(2,272), 25c-35c-50c-60c, 7 days. **Gross:** $7,000. (Average, $6,500.)

Everitt Joins Warners

HOLLYWOOD, Oct. 22.—Tom Everitt, nephew of Sam Everitt, of Doubleday Doran & Co., has arrived in Hollywood to begin a writer's contract with Warner Brothers.

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Alert, Intelligent and Faithful Service to the Industry in All Branches

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"U" to Seek Court Aid on Kansas Cuts

Grainger Orders a Suit Over "Oh, Baby"

KANSAS CITY, Oct. 23.—James R. Grainger, general sales manager of Universal, has instructed the Kansas City exchange to file suit against the Kansas censor board to test its authority in cutting "Love, Honor and Oh, Baby."

Grainger contends the censors placed too vivid an interpretation on dialogue and plot.

The censor board chairman says Universal had accepted alterations and has been showing the picture in Kansas. The censors say no formal legal action has been started, but that Universal has advised the board a court test is planned.

For some time the impression has gained ground that the Kansas censors were easing up on their restrictions.

(*Continued on page 6*)

Big Circuits Want To Buy Poli Group

HARTFORD, Oct. 23.—Louis M. Sagal, formerly aide and managing director of the Poli circuit during the receivership, today revealed that since the purchase last week of the bonds and houses by a group controlled by S. Z. Poli, several national circuits have approached Poli on a deal to take over the 18 houses.

Sagal would not disclose the names

(*Continued on page 6*)

Pittsburgh Agog Over Maloney Fete

PITTSBURGH, Oct. 23.—This town was still talking today about the Variety Club banquet given in honor of John Maloney, outgoing president, at the William Penn Hotel here Sunday night. Among the record crowd of 600 were many personalities high in political and amusement circles.

Representatives of the amusement field on hand included Felix Feist and W. F. Rogers of M-G-M, Jules Levy

(*Continued on page 6*)

Coast Studios Have 59 Films Shooting

HOLLYWOOD, Oct. 23.—Production is still above normal with a total of 59 features in work, 35 editing and 45 in the final stages of preparation ready to swing into work within the

(*Continued on page 6*)

Code Signing Plea Is Voiced By Kuykendall

"Nothing to Fear," He Tells Tri-States

MEMPHIS, Oct. 23.—Acceptance and observance of the industry code was urged upon members of the Tri-States Exhibitors' Ass'n today by Ed Kuykendall, president of the M.P.T.O.A., at the opening of the annual convention.

"Those of us who are on the up and up have nothing to fear from the code," declared Kuykendall. "It may not suit us entirely, but we can't expect it to. Remember, there will be a grievance committee to which you can take your troubles.

"Give me a fair grievance committee in every community and I won't worry about the code, or anything else."

Practically the entire morning session was devoted to discussion of the code by Kuykendall and to his answers to questions.

H. D. Wharton of Warren, Ark.,

(*Continued on page 3*)

Canadians Awaiting Action on NRA Code

TORONTO, Oct. 23.—Canadian film executives have been anxiously awaiting the decision of the industry in the United States with regard to the NRA code. The adoption of a code plan will not directly affect exchanges and theatres in the Dominion, but, at the same time, there is the promise of a convention in Toronto to work out a code for the Canadian trade after the decision has been reached at Washington.

Canadian executives hope to dissolve the problem of double-feature programs, among other things, in the adoption of a private code.

Feld Quitting? Katz Says 'No'

The daily grist of rumors of resignations and changes in the New York end of the industry yesterday included Milton H. Feld, formerly in charge of de luxe theatre operations for Publix, later the "feld" of Chatfeld Theatres and now one of the leading lights of Monarch Theatres.

Sam Katz, who maintains a "fatherly" interest, at least, in the latter company, entered a denial.

Indies Seek Statement on Legal Rights

Independent producers and distributors, grouped under the banner of the Federation of the M. P. Industry, are apparently concerned over a definition of what their legal rights may or may not be under the code and are seeking clarification by inclusion of a clause in the document so stating the point, according to Jacob Schechter, attorney for the Federation, who returned from Washington yesterday.

"We asked the administrator"—referring to Sol A. Rosenblatt—"whether the jurisdictional phases of the code,

(*Continued on page 3*)

Court Stay Sought On Milwaukee Union

MILWAUKEE, Oct. 23.—The Independent M. P. Operators' Union, Local No. 110, has asked a circuit court injunction restraining I.A.T.S.E. Local No. 164 from interfering with patrons attending theatres employing independent operators. A hearing will

(*Continued on page 3*)

Charge Made Wired Protests To Code Faked

Government Is Reported Studying Complaints

WASHINGTON, Oct. 23. — Charges that recent telegrams to Washington protesting against the film code were sent in the names of persons who had no knowledge of the fact have been received by the National Recovery Administration, it was disclosed today by Deputy NRA Administrator Sol A. Rosenblatt.

Inquiries in Cleveland and Newark, according to a telegram to Rosenblatt, disclosed that wires purporting to come from certain people were sent without their knowledge and that the first intimation they had of the unauthorized use of their names was upon receiving acknowledgments from Washington.

Investigation is being made by the Administration itself, the deputy administrator said, but if affidavits and other evidence to support the charges are received, the matter will be laid before General Hugh S. Johnson, who may, if the situation appears to warrant such action, refer it to the Department of Justice.

Questions relating to the code were this afternoon discussed by Rosenblatt

(*Continued on page 3*)

RKO Theatres May Go Into Two Zones

RKO theatre operations may go into a two-way split under a plan which J. R. McDonough is reported considering. This would divide the country between an eastern and western management with Leslie Thompson perhaps handling the east and Nate Blumberg the west.

Joe Plunkett, former general manager of the circuit, entered the speculation yesterday as a possible candidate for one of the two posts.

Schenck, Goldwyn Quit Hays Group

HOLLYWOOD, Oct. 23.—Incensed over the attitude of other producers toward Article 5 in the code, Joseph M. Schenck and Samuel Goldwyn today announced their resignation from the M. P. P. D. A.

Tonight Schenck issued the following statement in explanation of his resignation:

(*Continued on page 6*)

About 300 at Allied's Meet; Course Not Fixed

CHICAGO, Oct. 23.—More than 300 exhibitors, mostly from the Middle West, will give the code their personal consideration tomorrow at the Allied mass meeting, which, according to leaders, has no set program, but is aimed at placing directly in exhibitors' laps Allied's future code action.

Abram F. Myers, who arrived yesterday, declared there was no program. "We have been living so close to code problems for months that, frankly, we want direction and advice from exhibitors as to our future course."

Myers said he believed Allied leaders had been pursuing a policy in accordance with the best interests of

(*Continued on page 3*)

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WE DO OUR PART

Lawton Adds to Staff

Stanley W. Lawton, managing director of the George M. Cohan, Broadway and Gaiety theatres, has made a number of new appointments to take care of expanded activities which include opening of the Gaiety tomorrow with "Lady for a Day."

The new men are: Emil Groth, executive assistant and manager of the George M. Cohan; R. O. James, manager of the Broadway; Edward Goodman, manager of the Gaiety; Adam Nobre, manager of the art department; Meyer Keilsohn, advertising and publicity.

Carr in Cleveland

CLEVELAND, Oct. 23.—Trem Carr, Monogram producer, arrived from Hollywood tonight.

W. Ray Johnston, president of Monogram, left for Cleveland last night, where the company's franchise-holders will start a two-day meeting tomorrow.

Sears on Long Trip

Gradwell Sears left on a Warner sales trip yesterday. He will be gone a number of weeks and will visit Dallas first and New Orleans and Atlanta later.

Zanft En Route West

ALBUQUERQUE, Oct. 23.—John Zanft passed through here tonight en route from New York to Hollywood.

"Most compelling motion picture this reporter can recall, bar none."—N. Y. Herald-Tribune.

Forgotten Men

For Bookings and State Rights Wire
JEWEL PROD, Inc., 723 7th Ave., New York City

Looking 'Em Over

"King for a Night"

(*Universal*)

Chester Morris sincerely portrays the role of a small town fighter with the championship as his goal in a drama which will appeal generally. Helen Twelvetrees, Grant Mitchell and Alice White do some good work in support. Georgie Stone, John Miljan, Frank Albertson and Warren Hymer also contribute nice work.

The son of a minister and always ready with his right, Morris gets an opportunity to go to the big city and build his way up to the championship fight. His prospects go to pot when he is O. K.'ed by Maxie Rosenbloom in a gym and his promoters walk out on him. He gets a job as soda jerker and tries to make the fight grade alone, but without success. When his sister, Miss Twelvetrees, comes to town, Miljan, another promoter, takes to her and promises to give Morris the build-up he needs. As a sacrifice, the heroine consents to live with Miljan without her brother knowing it. The fighter finds out about the affair from Miss White, whom he has been courting and who two-times him.

Morris goes to his sister's apartment and finds she has just murdered Miljan. He tells his sister to clear out while he takes the blame. He does, and that night is arrested after knocking out the champ. He is sent to the chair despite his sister confessing. His father says the last prayer in a dramatic scene which may call for the handkerchiefs. Kurt Newman directed. Should go over big with fight fans.

Hearings on Taxes Open in Washington

WASHINGTON, Oct. 23.—Hearings on taxes were begun today before a subcommittee of the House Ways and Means Committee, which had before it Treasury experts who are to make recommendations. With heavy revenues from liquor seen as beginning early in the year, members of the committee believe there is opportunity for permanent revision of the Revenue Act eliminating many of the present nuisance taxes. If this is determined upon, it is understood amusement interests will ask repeal of the admission tax.

Open St. Louis Nov. 3

Fanchon & Marco will reopen the St. Louis, St. Louis, on Nov. 3. F. & M. took over the house last week from Harry Koplar and closed it for alterations.

Col. Signs Sue Carol

HOLLYWOOD, Oct. 23.—After an absence of over two years from the screen, Sue Carol has been signed for the leading feminine role in "Straight Away" at Columbia.

J. M. Franklin Adds To Canada Circuit

TORONTO, Oct. 23.—In the construction of the new Dundas Theatre at Dartmouth, Nova Scotia, Joseph M. Franklin, former RKO theatre representative in Canada, is adding a fourth to his circuit in eastern provinces of the Dominion. The new Dundas will seat 1,000.

Joe Franklin controls the Trans-Lux franchise for Canada but this project is in abeyance, pending arrangements for securing of necessary shorts for Trans-Lux programs. Franklin has just returned from a business trip to New York.

Skouras Traveling

ALBUQUERQUE, Oct. 23.—Charles Skouras, en route from New York to Hollywood, was aboard The Chief tonight.

KANSAS CITY, Oct. 23.—Elmer C. Rhoden and L. J. McCarthy, Fox Midwest executive, conferred with Charles Skouras between shifts of train crews here last night.

Eastman Jumps Five and Three Quarters

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	21	20½	21	+ ¾	300
Consolidated Film Industries	3	3	3	.....	300
Consolidated Film Industries, pfd	8	8	8	+ ¼	100
Eastman Kodak	74½	69½	73¼	+5¾	2,100
Loew's, Inc.	27⅞	25⅞	25⅞	+ ⅜	4,500
Paramount Publix	1⅝	1¼	1⅝	+ ⅜	1,900
Pathe Exchange	1½	1¼	1⅜	+ ⅛	1,500
Pathe Exchange "A"	9⅛	8	8½	+ ⅝	4,100
RKO	2½	2⅛	2½	+ ¼	1,500
Warner Bros.	6½	5¾	6⅛	+ ⅛	11,800

Technicolor Up Three Quarters

	High	Low	Close	Net Change	Sales
Technicolor	11⅝	11¼	11½	+ ¾	500

Warner Bros. Rises Two and Three-Eighths

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4¼	3⅝	3⅝	— ⅝	25
Keith B. F. 6s '46	44¾	44¾	44¾	+ ¾	1
Loew's 6s '41, ww deh rights	85	84½	84½	— ½	12
Paramount F. L. 6s '47	28½	28½	28½	— ½	4
Paramount Publix 5½s '50	29½	29½	29½	+1½	8
Warner Bros. 6s '39, wd	40⅞	39	40⅞	+2⅜	38

Purely Personal

HELENE TURNER, formerly with Paramount, is now in New York, having recently completed editing three features made at the SunHaven Studios in Florida.

F. RALPH GERVERS, just back from a five-week exploitation tour on "Lady for a Day," has been put in charge of exploitation for the Greater Manta Exhibition Corp.

HERB BERG decided it was to be fishing on Sunday and almost got lost in the fog banks off Sheepshead Bay.

MILDRED PATTERSON and BETTY FAULKNER have joined the Gae Foster troupe at the 7th Ave. Roxy.

E. M. GLUCKSMAN and MYRON ROBINSON did their lunching at Schraft's—42d Street—yesterday.

MILT KUSELL, New York State district manager for Paramount, is getting over a severe cold.

MRS. ADELINE SCHULBERG arrives from the coast next month en route to Russia.

J. J. UNGER, Paramount district manager, is battling a cold these days.

HAL HORNE is going in for green and brown combinations.

LYNN FARNOL arrives from the coast next week.

Pecora Supporters Meet at M. P. Club

Film men already members of a committee to further Ferdinand Pecora's campaign for district attorney on the McKee ticket in New York meet at the Motion Picture Club today to round out activities under chairmanship of Joe Brandt.

Serving with Brandt are Lou Rogers, as vice-chairman, and Hal Horne, Jack Alicoate, Leon Lee, Joe Gallagher, Bert Adler, Lou Rydell, A. P. Waxman and Joe Seiden.

Sue on Milwaukee Rent

MILWAUKEE, Oct. 23.—An action to collect $8,249 in back rentals for the Oriental and Tower, local neighborhood houses, has been started in circuit court by the M. L. A. Investment Co. against Statewide Theatres, Inc., Oscar Brachman, John and Tom Saxe. The defendants filed an answer claiming the rents have been paid.

Jack Warner Due

Jack L. Warner is scheduled to arrive in New York from the coast tomorrow and probably will take in the premiere of "The World Changes" at the Hollywood in the evening.

Wid Gunning Here

Making a number of stopovers en route, Wid Gunning reached New York from Hollywood yesterday in connection with a production deal. At the Park Central.

Charge Made Wired Protests To Code Faked

(Continued from page 1)

with members of the President's staff. Visiting the White House, the deputy administrator is understood to have conferred on the code at length, but refused to say what points were covered. He did not see the President, he said.

See Possible Changes

Indications that a number of changes will be made in the code before it goes to Johnson were seen tonight. Abram F. Myers and his associates had a long conference with Rosenblatt Saturday afternoon, at which, it is said a number of suggestions were made, some of which may result in amendments to the agreement. There will, however, Rosenblatt said, be no fourth complete revision.

An executive order signed by President Roosevelt Saturday and made public by the Administration today exempts from the provisions of the President's reemployment agreement and industrial codes employers who do not employ more than five persons and who are located in towns of less than 2,500 population.

Whether this order will apply to exhibitors is a matter not yet determined, according to Donald R. Richberg, chief counsel of the Administration. In general, Richberg said, the effect of the order will be to eliminate the smal towns from the recovery drive, except where they contain manufacturing or other activities employing more than five persons or engaged in interstate commerce. A number of interpretations will be necessary, he believed, to definitely determine activities which are exempted.

Approval of the industrial adviser was given the code today, and tomorrow it is expected the consumers' adviser will make a report, thus cleaning up the reports of the three advisers.

Broadway will Seek Film Talent—Jolson

HOLLYWOOD, Oct. 23.—Al Jolson, recently arrived in Hollywood to star in "The Wonder Bar" for Warners, is predicting a comeback for the New York stage.

"Broadway," he says, "is going to hit back at Hollywood and conduct some of those famous talent raids.

"New York theatres are definitely on the comeback and capacity audiences are starting to make their appearance again. Booking offices and theatrical agencies are starting to hum once more and before long Hollywood is going to lose many stage favorites that have been here during the lean days on Broadway."

B. G. Signs Miss Wong

LONDON, Oct. 23.—Anna May Wong, who recently completed "Tiger Bay" for Wyndham Film, has been signed by British Gaumont for the starring role in the talker version of "Chu Chin Chow," produuction to begin immediately. Herbert Willcox made it as a silent.

About 300 at Allied's Meet; Course Not Fixed

(Continued from page 1)

independents, but takes the stand that something in the way of specific suggestions and guidance should be forthcoming at this time.

With H. M. Richey, James C. Ritter, Sidney Samuelson, W. A. Steffes, Benjamin Berger, Col. H. A. Cole, Aaron Saperstein, Fred S. Harrington, Abe Stone, Frederick Strief, M. B. Horwitz and many more exhibitors already at the Congress, lobby talk indicates that Allied acceptance of the code is as remote as ever, and final outcome of the meeting probably will be a vote of confidence in the present leaders with instructions to carry on along lines heretofore pursued.

The independents' analytical protest on code clauses will be the basis of tomorrow's discussions, with little likelihood that exhibitors gathered here will offer anything to materially change the stand taken by leaders.

Asked specifically where Allied expected to stand after this meeting, Myers said he did not know. It is rumored, however, that the meeting will not adjourn without resolutions affecting various code clauses and especially not without clothing Allied leaders with full power to exercise their best judgment in future code actions.

Indies Seek Statement on Legal Rights

(Continued from page 1)

as outlined by the code itself, covered all of our rights. If we can sue under the NRA, we asked that a clause specifically stating so be included."

Schechter was of the opinion yesterday that the code is not in its final form. In addition to changes sought by independents, he listed protests from talent groups against Article 5, which was Article 10 in the producers' submitted code, as among those which are awaiting disposal.

In reply to a direct question put to him by MOTION PICTURE DAILY, Rosenblatt stated on Oct. 15 in Washington that there is nothing in the NIRA to prevent a disgruntled individual from resorting to court at law in the event that he refused to abide by a decision by code authority on any disputed issue.

Court Stay Sought On Milwaukee Union

(Continued from page 1)

be given Oct. 28 on an order to show cause why a temporary injunction should not be issued. The A. F. of L. and the Wisconsin federation are also named as defendants.

The defendants are charged with conspiring to boycott the Fern, Murray and Park, neighborhood houses operated by Manning Silvermann.

The complaint alleges that the A. F. of L. union has "resorted to violence and to means beyond moral persuasion to intimidate prospective patrons." Local No. 164 has been strengthening its position among local independent houses and recently signed up the Parkway, Astor, Jackson, Roosevelt, Lyric and Whitehouse, all of which had been employing non-union operators.

20th Century Swings Ax

HOLLYWOOD, Oct. 23.—Twentieth Century is swinging the ax in all operating departments. It is putting in effect a 50 per cent layoff for three weeks, beginning Wednesday. The reason given is that four pictures have already been completed, while four others are now in work.

Fitzgerald Gets House

SAN FRANCISCO, Oct. 23.—Edward Fitzgerald, former manager of the Warner, has been made manager of Bill Wagnon's Orpheum. Recently he has been running a program over Station KFRC.

Holds Norman Foster

HOLLYWOOD, Oct. 23.—Fox has exercised its option on Norman Foster and has decided not to lift the option on Harvey Stephens following the completion of his role in "Sleepers East."

Erpi's Appeal Up in Supreme Court Today

WILMINGTON, Del., Oct. 23.—Hearing is set for tomorrow in the suit brought by Vitaphone against Erpi for an accounting on a series of transactions, involving $40,000,000, before Chief Justice James Pennewill in the Delaware Supreme Court. Agreements were for licensing of patents and equipment for talking pictures.

Erpi, in an equity suit, attempted to have the case kept out of open court, holding there had been an agreement to have claims arbitrated. Chancery Court ruled, however, this defence was not sufficient in law and an appeal was taken to the Supreme Court.

Vitaphone charged the protracted arbitration proceedings in New York were unfair and were being willfully protracted at excessive expense.

Frisco Runs "Angel" All Night as Opener

SAN FRANCISCO, Oct. 23.—"I'm No Angel" was kept going all day and all night for the opening at the Paramount, a stunt never before tried here, except on New Year's. It is expected to go to $30,000 the first week, twice the normal take of the house.

OKLAHOMA CITY, Oct. 23.—A fire in the ushers' room of the Criterion on the mezzanine filled the foyer with smoke and called out the fire department, but only two persons left the theatre. "I'm No Angel" was on the screen.

"U" Film For Pantages

HOLLYWOOD, Oct. 23.—Universal's "Only Yesterday" will reopen Pantages Hollywood Nov. 2 at $2.20 top.

Code Signing Plea Is Voiced By Kuykendall

(Continued from page 1)

presided in place of Kuykendall, who resigned some months ago as Tri-States president to become national president. During the code discussions, M. A. Lightman, former national president, vigorously criticized Loew's admission prices in Memphis, complaining that Loew houses get only 15 cents for "A" pictures, which must play later throughout the territory at higher prices.

Lightman Elected President

Later in the day Lightman, ex-president of the M. P. T. O. A., was elected head of the local unit, confirming MOTION PICTURE DAILY's exclusive story at the time of Kuykendall's election to the national post some time back. Lightman was elected over O. C. Hauber of Jackson, Tenn., and R. X. Williams of Oxford, Miss.

Sentiment among exhibitors was that the drafting of Lightman into office is essential at this time due to uncertainty of the code and because of his knowledge of this situation locally and nationally.

After a full morning of discussion of the code. Tri-State exhibitors unanimously voted endorsement of the third tentative draft and instructed the secretary of the unit to wire Deputy NRA Administrator Sol A. Rosenblatt of its decision. Exhibitors were advised that mimeographed copies of the code as it applies to the individual exhibitor will be mailed to them from Tri-State M. P. T. O. headquarters within the next 10 days.

Kuykendall and Lightman were both thanked in a resolution for their work on the code and other industry matters. Mrs. Alma Walton of Memphis was elected secretary-treasurer, succeeding Mrs. M. S. McCord of Little Rock. The organization picked Mrs. Walton in deference to Mrs. McCord's request that she be relieved and upon the suggestion of Kuykendall that a Memphian be selected as an aid to Lightman in the handling of code matters.

Other officers elected were vice-president of Arkansas: O. W. McCutchen, Blytheville; Miss., R. X. Williams of Oxford, and of Tenn., W. F. Ruffin, Covington.

Speakers were W. B. Henderson, district NRA director; Mrs. Larry Akers, president of the Memphis Better Films Council, Mrs. Willis Campbell, club woman, and Roy Pierce, manager of the Orpheum.

Leon Krim, Detroit Theatre Head, Dead

DETROIT, Oct. 23.—Leon Krim, 57, veteran exhibitor, died suddenly last night. He had been ill more than a year, but had shown improvement recently. He was the leader in the fight against Mid-States Theatres, and recently, against his doctor's orders, made a trip to Washington to present his case to Deputy NRA Administrator Sol A. Rosenblatt.

Death was due to a stroke. Funeral services were held this afternoon.

MONOGRAM PICTURES
PRESENTS
IT'S HOT
SEX
WITH
ARLENE JUDGE • PH
DIRECTED BY CHARLES VIDOR
DARING
BOX-OFFICE
ZIP
LIFE
LOVE
LAUGH
ANOTHER 1
OF
10
MONOGRAM HITS
IN A ROW !

SATION
UNTERS
MUSIC
MIRTH
MOTION
MELODY
SNAP
KICK
ON FOSTER · MARION BURNS
BY WHITMAN CHAMBERS
PC
PICTURES
NRA

"U" to Seek Court Aid on Kansas Cuts

(Continued from page 1)

"Scarface" was released after being held up more than a year, and "What Price Innocence" was passed several weeks ago. Fight pictures, which were barred for years, recently have been admitted.

Suits of this type are rare. There were only 31 requests for re-examinations in New York last year and no court action of any kind. Distributors, as a rule, take usual appeals, but drop their objections without public court action after these have been exhausted.

Censors Pull Uncut Print in Baltimore

BALTIMORE, Oct. 23.—Twenty-two or more eliminations ordered by the State Board of Censors were made in "Goodbye Again," after the show had started at the New.

Morris A. Mechanic, proprietor, started the picture in good faith because he had previewed it with a censor board seal attached and ran that print, but it turned out that an uncensored print had been sent to the theatre with the seal attached.

When the shearing was finished after it had been discovered by an inspector of the board, 450 feet had been taken out of the feature. The show had been advertised heavily with two contests running in editorial parts of two newspapers and a large full page tie-up ad with a department store. Two shorts had to be obtained quickly to fill in the gap.

Pittsburgh Agog Over Maloney Fete

(Continued from page 1)

and Edward McEvoy of RKO-Radio, Herman Robbins and George Dembow of National Screen Service, Pat Garyn of Master Art Productions, Edward C. Grainger of Fox, Steve Trilling and Clayton Bond of Warners, Harold Kemp of NBC, Frank McCarthy and Max Cohen of Universal, George Tyson and Christy Wilbert of Skouras theatres, St. Louis; Lou Astor of Columbia Pictures, Edward Fontaine of the Paramount, Cleveland; Frank Drew of M-G-M, the same city; Fred Robinson of the Paramount, Buffalo; I. Schmertz of the Fox, Cleveland, and Norman Frescott.

Among those at the speakers' table were Governor George White of Ohio, U. S. Senator James J. Davis and Mayor John S. Herron of this city. George Jessel was another at the speakers' table.

Seattle Plans Film Ball

SEATTLE, Oct. 23.—Bob Murray, manager of John Hamrick's Blue Mouse and Music Box theatres, has been appointed chairman of the first annual "Movie Ball," to be held later this month under the auspices of the Olympic Breakfast Club. All of the downtown houses will participate.

It's Diplomacy

Hollywood, Oct. 23.—M-G-M's Italian version of "Prizefighter and the Lady," wherein Primo Carnera and Max Baer stage a championship fight, will show the ambling Alp knocking out Baer for the satisfaction of the Fascists. Since Baer is a Scotch Jew, fans from Glasgow and Palestine will expect the reverse. The American version, however, shows the fight to a draw.

Big Circuits Want To Buy Poli Group

(Continued from page 1)

of the circuits seeking the properties in Massachusetts and Connecticut, but stated negotiations were now in progress.

It is understood that Loew's is bidding for the Poli circuit.

Schenck, Goldwyn Quit Hays Group

(Continued from page 1)

"I have resigned because I am opposed to the policy which permits the association to be run by distributors in New York who happen to be the bosses of producers belonging to it. Were the real producers, the men who make the pictures, asked their opinion of the code, they would be unanimously against it. Unfortunately, the rulers in New York, the proposers of that code, have not consulted them. These gentlemen's attempts to dictate production policy without knowing the temperaments of actors, writers and directors with whom they are dealing have succeeded in bringing about partial demoralization of their studios.

"Some of these gentlemen in their efforts to alibi to stockholders for mismanagement are attempting to place the entire blame on the salaries of their employes. Although salaries are partially responsible for the high cost of pictures, this responsibility is only partial. The greatest responsibility lies in the waste of time and indecisions on the part of the producing organizations, all of which attempt to make more pictures than they are capable of. Responsibility for this situation rests solely with the New York gentlemen. Rather than belong to an organization that runs in diametric opposition to a policy of fairness to all, I have resigned."

Schenck announced the resignation of Goldwyn in the same statement, asserting the latter was in "full accord" with his own views.

"Angel" Nearing Record

NEWARK, Oct. 23.—The Paramount is heading for a record with "I'm No Angel" grossing $16,000 for the first three days.

"Millions" Gets $21,500

"Saturday's Millions" grossed $21,500 at the Old Roxy.

Hollywood Personals

Hollywood, Oct. 23.

EDWARD SUTHERLAND, who will direct "Fox Movietone Follies of 1934," has gone into conference with LEW BROWN and expects to get started Nov. 1.

MAXINE DOYLE appears in "Eight Girls in a Boat," as her first under a contract to Charles R. Rogers Productions.

SPANKY MACFARLAND runs competition to BABY LEROY in "Miss Fane's Baby Is Stolen" (Paramount).

IRENE DUNNE'S next for Radio will be "Age of Innocence." "Stingaree" has been postponed.

LAMBERT HILLYER will direct "Once to Every Woman" (Columbia).

MACK GORDAN and HARRY REVEL signed to write the songs for Mae West's next "It Ain't No Sin" (Paramount).

TOM KEENE, back from a stage tour, denies he will return to westerns.

SONYA LEVIEN and SAMUEL HOFFENSTEIN will collaborate on "All Men Are Enemies" (Fox).

FRANCES DRAKE'S first screen role will be opposite GEORGE RAFT in "The Trumpet Blows" (Paramount).

GORDON WESTCOTT and NELLA WALKER given roles in "King of Fashion" (Warners).

ANN DVORAK assigned the feminine lead in "The Wonder Bar" (Warners).

LILLIAN HARVEY'S next for Fox will be "Lottery Lover."

DAVIDSON CLARK added to "Wild Birds" (Radio).

SPENCER CHARTERS added to "Hips, Hips, Hooray" (Radio).

ADRIENNE AMES assigned to "The Trumpet Blows" (Paramount).

JEAN PARKER, 17 years old, goes into "Wild Birds" (Radio).

WALLIS CLARK assigned to "Massacre" (Warners).

GEORGE MEEKER and BOB CHANDLER added to "Hi, Nellie" (Warner).

HAL WALDRIDGE assigned a role in "Easy to Love" (Warner).

WILLIAM BAKEWELL signed for a role in "Straight Away" (Columbia).

JAMES GLEASON spotted in "Search for Beauty" (Paramount).

PHILLIP REED joins the cast of "King of Fashion" (Warners).

HOBART CAVANAUGH assigned to "Mandalay" (Warners).

J. CARROLL NAISH penciled in the cast of "Sleepers East" (Fox).

EDWARD GARGAN, brother of BILL, goes into "Jimmy and Sally" (Fox).

New Deals on Publix Houses Are Approved

Arrangements were completed yesterday for new Publix leases on two South Bend, Ind., and two Knoxville, Tenn., houses when Irving Trust Co., as trustee in bankruptcy for Publix Enterprises, was authorized by Referee Henry K. Davis to proceed with lease negotiations tentatively agreed upon with lessees.

The trustee was also authorized to convey the Lakeland Theatre property, Lakeland, Fla., to the Volunteer State Life Insurance Co. to satisfy a mortgage indebtedness of $41,703, as of July 1, and was authorized to sell a 25 per cent stock interest in Augusta Enterprises, Inc., to Arthur Lucas and William K. Jenkins, Publix operating partners, for $25,000. Augusta Enterprises holds three theatres at Augusta, Ga., managed by Frank J. Miller, who continues in that capacity under the terms of the deal.

In the South Bend lease negotiations a new corporation will be organized to take a lease on the Palace, and a new lease on the State will be made by Publix-South Bend, Inc., in consideration for which the personal property and equipment of the theatre will be transferred to J. J. Kiser, trustee for the South Bend subsidiary. In addition, a $20,625 claim of the subsidiary against Publix Enterprises is to be withdrawn.

In Knoxville a new corporation will be organized to make new leases on the Riviera and Strand there and to purchase personal property and equipment in the theatres from the trustee for Tennessee Enterprises, Inc., operating subsidiary of the houses, for $5,500.

A hearing scheduled for yesterday on various lease claims against Publix Enterprises was postponed to Oct. 30.

Coast Studios Have 59 Films Shooting

(Continued from page 1)

next two weeks. In the short subject field there are eight working, 10 preparing and 15 editing.

Feature productions shooting lists M-G-M as having eight; Fox, six; Paramount, seven; Roach, Salient and Goldwyn, one each; Century, four; Universal, six; Columbia, three; Warners, five; Radio, seven with the smaller independent organizations totaling 10.

F. P. Canadian Adds Two

TORONTO, Oct. 23.—Famous Players' circuit in eastern Canada has been enlarged to the extent of two theatres in the taking over of the Empress and Capitol in Moncton, N. B. Fred W. Winters, owner of the two houses, is now associated with F. P. Canadian Corp.

"Eskimo" to Open Soon

M-G-M is considering plans to put "Eskimo" into the Astor about Nov. 15. The date is not definite yet, it is understood.

Philadelphia Tips $12,000 To "Bowery"

PHILADELPHIA, Oct. 23.—"The Bowery" knocked this town for a loop last week with a $12,000 gross at the Aldine. This beats par by $5,000.

There were only two strong attractions besides this. "Night Flight" grabbed $18,000 at the Stanley and "Golden Harvest" was good for $15,000 at the Earle. The $18,000 on "Night Flight" wasn't strong enough for the Stanley and stage shows are being dropped.

The Arcadia had trouble with its second runs. "This Day and Age" crumbled in intake. "Horsefeathers" was brought back to finish the week, but also dropped after two days.

Total business was $91,150. Average is $87,100.

Estimated takings for the week ending Oct. 19:

"THE BOWERY" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $12,000. (Average, $7,000.)

"HORSE FEATHERS" (Para.)
ARCADIA—(600), 25c-40c-50c, 2 days. (2nd run.) **Gross:** $600. "This Day and Age" (Para.)—3 days. **Gross:** $850. (Average, 6 days, $2,400.)

"ANN VICKERS" (Radio)
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000.)

"GOLDEN HARVEST" (Para.)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Sally Rand, Jay Mills, Brems, Fitz and Murphy, Miles and Kover, Red Donahue and Uno, Mullen Sisters. **Gross:** $15,000. (Average, $12,000.)

"WORST WOMAN IN PARIS?" (Fox)
FOX—(3,000), 35c-55c-75c, 6 days. Stage: Nick Lucas, Do-Re-Mi, Willie-West and McGinty, Fritz and Jean Hubert. **Gross:** $14,500. (Average, $16,000.)

"TOO MUCH HARMONY" (Para.)
KARLTON—(1,000), 30c-40c-50c, 6 days. (2nd run.) **Gross:** $3,500. (Average, $3,500.)

"CHARLIE CHAN'S GREATEST CASE" (Fox)
KEITH'S—(2,000), 25c-35c-40c, 5 days. (2nd run.) **Gross:** $3,000. (Average, for 6 days, $5,500.)

"BERKELEY SQUARE" (Fox)
LOCUST—(1,300), 55c-$1.65, 6 days. (2nd week.) **Gross:** $7,000. (Average, $7,000.)

"NIGHT FLIGHT" (M-G-M)
STANLEY—(3,700), 40c-55c-75c, 6 days. Stage: Morton Downey, Solly Ward, Alice Dawn. **Gross:** $18,000. (Average, $16,000.)

"STAGE MOTHER" (M-G-M)
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,700. (Average, $7,000.)

"U" Reel Goes to Pitt

PITTSBURGH, Oct. 23.—Universal has landed a downtown, first run outlet for its newsreel, tied in locally for publicity purposes with the *Post-Gazette*. It has been placed at the Pitt, recently reopened by George Shaffer. Last year the reel was at the Variety, now playing burlesque.

Frisco Unions Ask Raise

SAN FRANCISCO, Oct. 23.—Operators' Local 162 has reopened negotiations for a reestablishment of the scale effective before the voluntary cut which the union took some six months ago. Salaries then averaged around $81 a week. The present scale approximates $63.

May Return N. O. Vaude

NEW ORLEANS, Oct. 23.—Vaudeville may return to Loew's State and the Orpheum. Settlement of the arguments with the musicians', stage hands' and operators' unions is said to be under discussion.

"Bowery," $13,100, Exceeds Buffalo Par by Over 100%

BUFFALO, Oct. 23.—"The Bowery" was the week's big news, taking $13,100, or $1,100 more than twice the normal draw, and holding over. "Love, Honor and Oh, Baby!" at the Lafayette was the only other picture to top average.

Total first run business was $49,400. Normal is $44,300.

Estimated takings for the week ending Oct. 20:

"MY WEAKNESS" (Fox)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Mills Bros., Preisser Sisters, Four Carlton Bros., Beuville & Tova, Don Cummings. **Gross:** $14,100. (Average, $15,000.)

"CAPTURED" (Warners)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,500. (Average, $6,000.)

"GOLDEN HARVEST" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. Stage: Duncan Sisters in "Topsy and Eva," with supporting company of 40. **Gross:** $9,300. (Average, $10,000.)

"THE BOWERY" (U.A.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross** $13,100. (Average, $6,000.)

"INDIA SPEAKS" (Radio)
HOLLYWOOD—(300), 25c-40c, 7 days, 2nd week. **Gross:** $700. (Average, $800.)

"LOVE, HONOR AND OH, BABY" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,700. (Average, $6,500.)

"Angel" Hits $24,500, Big In Cleveland

CLEVELAND, Oct. 23.—"I'm No Angel" opened to the biggest midnight show ever presented at Loew's State, and continued to pack the house all week, grossing $24,500, which is about four times average business. The Hippodrome with the Marcus stage show, and "East of Fifth Avenue" on the screen, including a $1.20 special Saturday night performance, which played to capacity, grossed close to $30,000, establishing a record. Ethel Barrymore drew considerable patronage as the Palace headliner. Other first runs ran average or under.

Total first run business was $82,500. Average is $48,500.

Estimated takings for the week ending Oct. 20:

"S. O. S. ICEBERG" (Univ.)
"LOVE, HONOR AND OH, BABY" (Univ.)
ALLEN—(3,300), 25c-30c-40, 2nd week, 7 days. **Gross:** $3,000. (Average, $3,000.)

"EAST OF FIFTH AVE." (Col.)
HIPPODROME—(3,800), 35c-44c-60c, 7 days. Midnight Saturday show, $1.20 top. Marcus Revue. **Gross:** $30,000. (Average, $14,000.)

"INDIA SPEAKS" (Radio)
"HEADLINE SHOOTER" (Radio)
WARNERS' LAKE—(800), 30c-35c-44c, 6 days. **Gross:** $2,500. (Average, 7 days, $3,500.)

"MY WOMAN" (Col.)
RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: Ethel Barrymore, Landt Trio, Bernice Claire, Cookie Bowers, Three Slate Brothers, Bryant-Rains & Young. **Gross:** $18,400.

"I'M NO ANGEL" (Para.)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $24,500. (Average, $6,000.)

"GOLDEN HARVEST" (Para.)
"DISCARDED LOVERS" (Tower)
STILLMAN—(1,900), 25c-30c-40c, 7 days. **Gross:** $4,100. (Average, $4,000.)

Haskell to Do Dances

HOLLYWOOD, Oct. 23.—Jack Haskell has been assigned as dance director for the Paramount film, "Search for Beauty."

Eddie Remembers

Hollywood, Oct. 23.—Eddie Cantor ruined several feet of film when he spotted a familiar face among 250 extras on the "Roman Scandals" set. The scene was half over when the comedian saw Emma Ray, at one time featured on the Keith circuit in the team of Joe and Emma Ray. He choked his lines and dashed offstage to grasp her hand. Then he took her and introduced her to the director and sat her down next to him while he did the scene. Later he escorted her to Goldwyn and the rest of the execs, finally to the casting office, where he pleaded with the boys to give her bits when possible. The actor claimed she did him favors when her name was bigger than his will ever be.

"Angel" Tops Detroit for Second Week

DETROIT, Oct. 23.—"I'm No Angel," playing its second week at the State, continued Detroit's best grosser last week. It took in $13,500, $1,500 over average, for its second seven days and is in for a third week. "Ann Vickers" and a stage show headed by Baby Rose Marie, put the Downtown $1,300 over par with $11,300. "My Weakness" and a variety show got the Fox $15,400, $400 over average, and the Fisher, playing a stage show of radio personalities and "Saturday's Millions," was the other house better than 100 per cent, netting $100 over par with $10,100.

Total for the week was $70,800 against an average of $77,000 and $87,800 last week.

Estimated takings for the week ending Oct. 19:

"ANN VICKERS" (Radio)
DOWNTOWN—(2,750), 25c-50c, 7 days. Stage: Baby Rose Marie, Block & Sully, Ross Wyse, Jr., Four Ortons. **Gross:** $11,300. (Average, $10,000.)

"SATURDAY'S MILLIONS" (Univ.)
FISHER—(2,975), 15c-50c, 7 days. Stage: Radio Revue. **Gross:** $10,100. (Average, $10,000.)

"MY WEAKNESS" (Fox)
FOX—(5,100), 15c-50c, 7 days. Stage: Charlie Foy, Nat Brusiloff, the Four Hearts, Frankie Connors. **Gross:** $15,400. (Average, $15,000.)

"WAY TO LOVE" (Para.)
MICHIGAN—(4,100), 25c-50c, 7 days. Stage: Lamberti, Evans & Mayer, California Redheads. **Gross:** $13,200. (Average, $20,000.)

"THE BOWERY" (U.A.)
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $7,300. (Average, $10,000.

"I'M NO ANGEL" (Para.)
STATE—(3,000), 25c-50c, 7 days, 2nd week. **Gross:** $13,500. (Average, $12,000.)

Brendel in 3 for Radio

HOLLYWOOD, Oct. 23.—Radio has signed El Brendel for three pictures, the first of which will be "Once Over Lightly."

"Harmony" at $11,500 Tops Twin Cities

MINNEAPOLIS, Oct. 23.—"Too Much Harmony" was the only film to rise above average in the box office receipts, in both the Twin Cities. It took $6,000 here and $5,500 across the river.

The World in St. Paul, closed during the summer for decorating, opened this week with the English film, "Good Companions," taking a $1,000 gross for a starter in a 300-seat house.

The Minneapolis quintet totaled $17,200 and St. Paul's five grossed $15,000, which is average business in both cities.

Estimated takings:

Minneapolis:

Week Ending Oct. 19:

"BROADWAY TO HOLLYWOOD" (M-G-M)
CENTURY—(1,640), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

"THIS DAY AND AGE" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

Week Ending Oct. 20:

"MY WOMAN" (Col.)
"SAVAGE GOLD" (Auten)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. **Gross:** $5,000. (Average, $5,500.)

"TOO MUCH HARMONY" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

"FANTEGUTTEN" (Norwegian)
WORLD—(400), 25c-75c, 7 days, 2nd week. **Gross:** $1,200. (Average, $1,200.)

St. Paul:

Estimated takings for the week ending Oct. 20:

"TOO MUCH HARMONY" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

"MIDSHIPMAN JACK" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 4 days. **Gross:** $2,000.

"WILD BOYS OF THE ROAD" (F.N.)
RKO ORPHEUM—(2,600), 20c-40c, 3 days. Gross: $1,500. (Average for week, $4,000.)

"GOLDEN HARVEST" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

"THE GOOD COMPANIONS" (Fox)
WORLD—(300), 25c-75c, 7 days. **Gross:** $1,000.

Lease Shelby, O., House

SHELBY, O., Oct. 23.—The Opera House, a 700-seater, dark for three years after the lessee, H. D. Shreffler, closed it in order to concentrate patronage at the Castamba, which he owns, now has been leased for five years to William and Joseph Felter. Shreffler's lease expired recently, and was not renewed.

William Felter operates the Moose at Norwalk. The house will be remodeled and new sound equipment and seats installed.

Bickert Takes 2 in Ohio

LOUDONVILLE, O., Oct. 23.—B. W. Bickert, operating the Ohio here, and the Grant, at Orrville, O., has taken over the Palace, at Ashland, thus forming the nucleus of a more extensive circuit.

The Grant heretofore has been under lease by Fred Edwards and Charles Clark.

Two Open in South

NEW ORLEANS, Oct. 23.—Two reopenings in this territory are the Capitol at Jackson, Miss., and the Columbia at Hammond, La.

"Bowery" at $11,500 2nd Frisco Week

SAN FRANCISCO, Oct. 23.—The hottest October weather in more than 20 years kept folks away from the theatres here last week, and as a result most spots failed to hold average. "The Bowery," in its second week at the United Artists, continued high with $11,500, and will probably go for two or three more stanzas. Jean Harlow in "Bombshell" proved the best money-maker of the week with $18,000 at the Warfield, still a thousand below par. Maurice Chevalier in "The Way to Love" held steady at $15,000 at the Paramount, which was very good considering the weather.

Total first run business was $88,200. Average is $107,000.

Estimated takings:

Week Ending Oct. 17:

"MY WOMAN" (Col.)

GOLDEN GATE—(2,800), 25c-35c-45c-65c, 7 days. Stage: Georgia Minstrels. **Gross:** $8,000. (Average, $13,000.)

Week Ending Oct. 18:

"BOMBSHELL" (M-G-M)

WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage, band, girls. **Gross:** $18,000. (Average, $19,000.)

Week Ending Oct. 19:

"SATURDAY'S MILLIONS" (Univ.)

ORPHEUM—(3,000), 15c-35c-40c, 7 days. Rube Wolf band, girls, U. S. F. Glee Club. **Gross:** $10,700. (Average, $10,000.)

"PADDY, THE NEXT BEST THING" (Fox)

EL CAPITAN—(2,900), 10c-25c-35c-40c, 7 days. Stage, band. **Gross:** $9,000. (Average, $9,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)

EMBASSY—(1,380), 30c-40c-50c, 7 days. **Gross:** $3,000. (Average, $8,000.)

Week Ending Oct. 20:

"CURTAIN AT 8" (Majestic)

FOX—(4,600), 10c-15c-25c-35c, 7 days. Ted Fio-Rito band, stage. **Gross:** $8,000. (Average, $9,000.)

"THE WAY TO LOVE" (Para.)

PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days. **Gross:** $15,000. (Average, $15,000.)

"WALLS OF GOLD" (Fox)
"WILD BOYS OF THE ROAD" (Warn.)

ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $5,000. (Average $6,000.)

"THE BOWERY" (U. A.)

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days, 2nd week. **Gross:** $11,500. (Average, $8,000.)

Bing Crosby Deal on "Alice" Called Off

HOLLYWOOD, Oct. 23.—Because Paramount will not pay the salary demanded by his brother and manager, Bing Crosby will not appear in "Alice in Wonderland."

Crosby is under contract to Paramount for four pictures a year at a four-figure salary per picture. The studio wanted the crooner to sign a side-deal for "Alice" in which he was to appear in a short sequence to sing a song, but when Bing's manager demanded that the studio pay him the usual four-figure salary, the deal cooled.

Paramount is now trying to get Arthur Jarrett to croon in Bing's place.

St. Charles to Celebrate

NEW ORLEANS, Oct. 23.—Elaborate plans have been laid for observance of the first anniversary of the St. Charles on Oct. 28. Radio broadcasts, the same speakers who attended the opening, and clips from some of the hit films of the past year are set for the program.

Bad on Sunday

Hollywood, Oct. 23.—On week days its okay, but on Sunday it's illegal to use the word hell in Boston.

This freak in the censorship rules forced Fox to make a retake of an expensive scene in Jesse L. Lasky's "I Am Suzanne." Gene Raymond let the word slip and Rowland V. Lee remembered.

"Footlight" Hits $24,000 In Pittsburgh

PITTSBURGH, Oct. 23.—While the Stanley, with "Footlight Parade," was almost trebling its average gross with $24,000, and the Penn was shooting away above par with "Night Flight" and the return engagement of "The Three Little Pigs" last week, the smaller houses were all taking it on the chin.

"Footlight Parade" topped even "42nd Street" and "Gold Diggers of 1933" by a few hundred dollars, while the Penn gathered around $17,000, with "Three Little Pigs" getting almost as much credit as the feature picture itself. The Davis, at $1,000, hit a new low with "Midshipman Jack," which was pulled after five days, while the Fulton didn't fare a whole lot better with "Disgraced," getting only $2,900.

The Pitt, too, slipped to $4,200 with "The Phantom Broadcast" and vaudeville, while the Warner, with "Saturday's Millions," did fairly well at $4,700, getting a good opening on the strength of a football tie-up arranged with the University of Pittsburgh. "Dinner at Eight" closed its roadshow engagement at the Nixon weakly, claiming only around $3,900 for its third week.

Total grosses in six first run houses were $53,800. Average is $37,000.

Estimated takings for the week ending Oct. 21:

"MIDSHIPMAN JACK" (Radio)

DAVIS—(1,700), 25c-40c, 5 days. **Gross:** $1,000. (Average, for six days, $2,500.)

"DISGRACED" (Para.)

FULTON—(1,750), 15c-40c, 6 days. **Gross:** $2,900. (Average, $4,000.)

"DINNER AT EIGHT" (M-G-M)

NIXON—(2,100), 55c-$1.65, 3rd week, 12 performances. **Gross:** $3,900. Two previous weeks, $18,000.

"NIGHT FLIGHT" (M-G-M)

PENN—(3,300), 25c-50c, 6 days. **Gross:** $17,000. (Average, $12,000.)

"PHANTOM BROADCAST" (Monogram)

PITT—(1,600), 15c-40c, 6 days. Stage: Frank and Pete Trado; Hilton and Garon; Jack Shea's orchestra; Paulo, Pquita and Menita; Nash and Fately; Pease and Nelson, and Johnny Bryant. **Gross:** $4,200. (Average $4,500.)

"FOOTLIGHT PARADE" (Warners)

STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $24,000. (Average, $9,000.)

"SATURDAY'S MILLIONS" (Univ.)

WARNER—(2,000), 25c-50c, 6 days. **Gross:** $4,700. (Average, $5,000.)

B. & D. Refinancing

LONDON, Oct. 23.—British and Dominions will hold a meeting the end of this month to rewrite its financial structure. The plan calls for a write-off of approximately $900,000. For the first six months of the current fiscal year to April 29, profit was approximately $80,000.

"Vickers" $5,200 Draw in Oklahoma

OKLAHOMA CITY, Oct. 23.—"Ann Vickers" at the Criterion took top money here last week, doing $5,200, which is above average by $200. The Liberty, with two changes, came out very well, doing $1,800 on "Tarzan, the Fearless" and $1,600 on "Brief Moment," which gave that theatre $3,400, $400 above the average. The Capitol hit par with "Broadway to Hollywood," taking $3,000.

Total first run business was $11,600. Average is $11,000.

Estimated takings for the week ending Oct. 21:

"ANN VICKERS" (Radio)

CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $5,200. (Average, $5,000.)

"TARZAN, THE FEARLESS" (Principal)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,800. (Average week, $3,000.)

"BRIEF MOMENT" (Col.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,600. (Average week, $3,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,000. (Average, $3,000.)

Portland Pantages Opening Set Oct. 27

PORTLAND, Oct. 23.—The Pantages will be opened Oct. 27, according to Rodney Pantages. Harry M. S. Kendrick will be manager.

Reopening of the Portland house means the addition of a payroll of from 50 to 60 people. With the stage talent, this will increase the weekly payroll to between 75 and 80. Columbia product has been booked, with the opening attraction "Lady for a Day."

"Bowery" $15,000 Hit in Providence

PROVIDENCE, Oct. 23.—Both Loew's State and the RKO Albee skyrocketed to exceptionally big grosses here, catching $15,000 apiece with strong bills. Loew's is indebted to the smash hit, "The Bowery," for its high rating, as the vaudeville was mediocre, but the Albee had George White's "Scandals" to thank rather than the picture, "Love, Honor and Oh Baby." Both Fay's and the Majestic knocked out average weeks, catching $7,000 each, while the Paramount was so-so.

Stiff competition between Loew's and Albee these days with the latter bringing Morton Downey to town next week. Recently Loew's had the Mills Brothers as vaude headliners.

Total first run grosses were $51,200. Average is $43,500.

Estimated takings for the week ending Oct. 20:

"POWER AND THE GLORY" (Fox)
"BITTER SWEET" (U. A.)

MAJESTIC—(2,400), 15-40c, 7 days. **Gross:** $7,000. (Average, $7,000.)

"THE SILK EXPRESS" (Warners)

FAY'S—(1,600), 15c-40c, 7 days. Stage: "Gay Paree" revue. **Gross:** $7,000. (Average, $7,000.)

"LOVE, HONOR AND OH BABY" (Univ.)

RKO ALBEE—(2,300), 15c-40c, 8 days. Stage: George White's "Scandals." **Gross:** $15,000. (Average, $10,000.)

"THE BOWERY" (U. A.)

LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Stone and Vernon; Mary Hanes; Ed and Morton Beck; Maurice. **Gross:** $15,000. (Average, $12,000.)

"GALLOPING ROMEO" (Monogram)
"BRIEF MOMENT" (Col.)

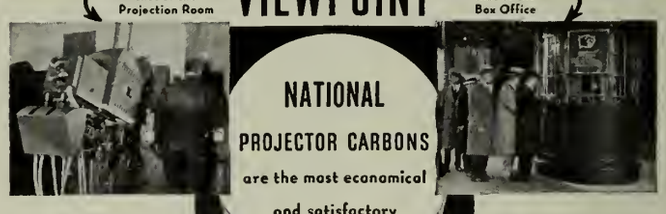
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average $1,000.)

"SWEETHEART OF SIGMA CHI" (Monogram)
"CURTAIN AT EIGHT" (Majestic)

PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $6,500.)

From either

that of the Projection Room — VIEWPOINT — that of the Box Office



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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 98 NEW YORK, WEDNESDAY, OCTOBER 25, 1933 TEN CENTS

Sale of Loew Stock Is Set For Nov. 27

Former Fox Holdings of 660,900 Shares to Go

Sale of the 660,900 shares of Loew's Inc., through which William Fox secured virtual control of Loew's on Feb. 28, 1929, is to be made to the highest bidder on Nov. 27 by the Chemical Bank & Trust Co. Fox is understood to have paid an average of $125 a share for this block.

John R. Hazel and Thomas Nelson Perkins, trustees by appointment of the U. S. District Court since the Government won a Clayton Act decree against Fox Film and Fox Theatres

(*Continued on page 6*)

Vitaphone-Erpi Suit Argued in Delaware

DOVER, Oct. 24.—Argument was heard in the Supreme Court today in the Vitaphone suit against Erpi, which is said to involve claims running up to $50,000,000. Decision was reserved.

Counsel for Erpi took the case to the Supreme Court in an effort to

(*Continued on page 2*)

Franklin Undecided; Gets Dinner Tonight

Harold B. Franklin's future plans continue indefinite. He declared yesterday he was figuring on a trip abroad "for a change of scene," that he was analyzing a number of propositions and still leaned more favorably

(*Continued on page 2*)

IATSE Has Signed Code's Third Draft

The I. A. T. S. E. has already signed the third draft of the proposed industry code, Isadore Bregoff of the firm of Rubien & Bregoff, attorneys for the international, stated yesterday. This binds all affiliate unions throughout the country to the agreement, he said. Fred Dempsey, vice-president of the I. A. T. S. E., did the signing. Dempsey announced this to the I. T. O. A. at a meeting last night.

ITOA Presents Labor Terms to Five Unions

Efforts to straighten out the local labor situation were resumed last night when the I. T. O. A. and five stagehands' and operators' unions met at the Astor. The first meeting was

(*Continued on page 6*)

Says Coast Code Objections Resulted from Split in Ranks

Hollywood, Oct. 24.—Lack of unison in the ranks of the creative elements at the studios resulting in an "open door" for eastern executives to write into the code those clauses which they wanted is blamed for current, widespread dissatisfaction in Hollywood over the pact, declared Lester Cowan, executive secretary of the Academy of M. P. Arts and Sciences, upon his return from Washington and New York.

He continues to feel, he said, that if Hollywood forces band together, whether under the aegis of the Academy or any other unified organization, much can yet be done with the NRA relative to the Article 5, former producers' Article 10, which talent finds objectionable. Cowan also maintains that if Deputy Administrator Rosenblatt came to Hollywood he would carry away with him a different conception of conditions at the studios.

Stagger Plan As An Aid to Musicians On

A stagger system to provide partial employment for musicians now out of work is being discussed between representatives of the five national circuits and Joseph N. Weber, president of the American Federation of Musicians. The initial confab was held a week ago and the second yesterday morning.

Deputy Administrator Sol A. Rosenblatt is understood to have requested the circuits to get together with Weber in a move to evolve a

(*Continued on page 2*)

Monogram Men Talk Budget Boost Today

CLEVELAND, Oct. 24.—Officials of Monogram will meet with the company's franchise holders from all over the country here tomorrow at the Statler to discuss expansion of the production budget for the coming season. Monogram will seek acceptance of a proposal to double the cost of

(*Continued on page 2*)

Indies to Take Code Dispute To Roosevelt

CHICAGO, Oct. 24.—Six hundred exhibitors representing 1,762 theatres, gathered here today at a meeting of Allied States, unanimously endorsed a proposal to carry on no further negotiations with Deputy NRA Administrator Sol A. Rosenblatt and appealed to President Roosevelt for a representative to produce a code satisfactory to independents.

The attack on Rosenblatt's handling of the code was launched by Col. H. A. Cole of Texas, who acted as chair-

(*Continued on page 6*)

Hammons Sees Code As Help to Talent

CHICAGO, Oct. 24.—While the code in its present form may be a disadvantage to some players in the higher salary brackets, it is a benefit to the rank and file in the industry, declared E. W. Hammons today between trains

(*Continued on page 6*)

Fox Profit for 26 Weeks Goes Up to $330,777

Fox Films yesterday reported consolidated net earnings of $330,777.61 for the 26 weeks ending Sept. 30.

Since the effective date of the company's reorganization, which was April 1, the company has accumulated a surplus of $662,582.16, its statement pointed out. No mention of the financial condition of Wesco Corp., holding company for Fox West Coast, was included, added the company, because its principal theatre operating subsidiaries are in bankruptcy.

Gross income for the period totalled $15,449,322.63. Of this sum $14,678,330.51 was from sales and rentals of

(*Continued on page 6*)

Industry Code Is Passed By Buyer Group

Rosenblatt Set to Submit Pact to Government

WASHINGTON, Oct. 24.—Receiving today the report of the Consumers' Advisory Board, the last of the three Board reports required, Deputy Administrator Sol A. Rosenblatt is preparing to complete his review of the film code and its negotiations as soon as possible in the hope of getting the agreement into General Hugh S. Johnson's hands before the end of the week.

As the time for submission of the code to the administrator draws nearer, it becomes quite evident that there will be no further general revision. Changes have been made in the third revision of the document and others may be made, but it is indicated that details of these amendments will not be made known until after President Roosevelt affixes his signature to the code and the approved agreement is published. However, it is understood, none of the changes is of wide importance.

The report of the Consumers' Advisory Board approved the code without qualification, it was learned here today, but did say that the board has certain suggestions for additions to

(*Continued on page 6*)

Claims No Word In On Coast Defections

HOLLYWOOD, Oct. 24.—The Association of M. P. Producers, the Hays' organization on the coast, declared today it had received no official notice of the resignation of Joseph M. Schenck and Samuel Goldwyn. "When and if it is received, the resignations will be presented to the executive board for consideration," a spokesman declared.

Late Monday evening in Hollywood, Joseph M. Schenck and Samuel Goldwyn declared they had resigned from the Hays organization.

(*Continued on page 6*)

Chorine Code Shift Report Not Verified

WASHINGTON, Oct. 24.—Reports that the code provision specifying that stage talent should be guaranteed one week's work if rehearsals continue for three days was to be changed in a

(*Continued on page 6*)

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Monogram Men Talk Budget Boost Today

(*Continued from page* 1)

each picture to be made in the future, with $100,000 suggested as the minimum production outlay for a special.

W. Ray Johnston, president of Monogram, will preside at the gathering. He is already here with Trem Carr, vice-president in charge of production.

The meeting is expected to terminate Thursday evening.

Nebraska-Iowa Unit Reelects Williams

OMAHA, Oct. 24.—Charles E. Williams, veteran president of the M.P.T.O. of Nebraska and Iowa, was re-elected to his 14th term at the annual meeting of the organization, which opened in the Loyal Hotel here today. The meeting was attended by 50 exhibitors.

Five members of a board of 15 directors were also re-elected. A scheduled code discussion was postponed until Wednesday, when a general meeting of all exhibitors in this region will be held. Lester Martin of the Iowa-Nebraska Allied unit, and Cal Bard, a representative of this territory at the Washington code hearings, will submit their reports.

Skouras Gets 2 in Bronx

George Skouras has added the Blenheim and Belmont in the Bronx to his local circuit.

Short Subjects Wanted
Short subjects wanted for distribution in Illinois and Indiana
GRIEVER PRODUCTIONS
831 South Wabash Ave., Chicago, Ill.

Looking 'Em Over

"Dance, Girl, Dance"

(*Chesterfield*)

Nicely staged and with convincing performances by Alan Dinehart and Evalyn Knapp.

It is the story of a girl betrayed by her second-rate vaudeville partner. She makes her way to New York and is befriended by a woman agent (Mae Busch), who gets a chance in the dance troupe of a night club run by Alan Dinehart. Her girlish charm intrigues him and he finances her on a trip out of town while she has a baby.

When she returns he gives her a chance to sing and eventually asks her to marry him, but the vaudeville partner, Edward Nugent, returns in a repentant mood and she goes back to him.

Comedy is almost entirely absent, but the dance numbers and incidental music give the film production value. A Mayfair audience seemed interested yesterday.

Vitaphone-Erpi Suit Argued in Delaware

(*Continued from page* 1)

upset a decree handed down two months ago by Chancery Court. This decree would have required Erpi to file an answer to the Vitaphone charges. Erpi argues that Chancery erred in not holding that Vitaphone is barred from prosecuting the action here under three agreements entered into between the two and that Vitaphone is compelled to submit all disputes to arbitration in New York under a state authorization law.

Vitaphone charges Erpi violated its agreements by charging producers licensed by the latter to use sound equipment $500 a reel royalty, instead of eight per cent of the gross profits derived from the use of licenses.

New Kind of Gift

S. Charles Einfeld celebrates a birthday today—about his 32nd. The Warner publicity and advertising staff, passing up the usual sort of gift, is centering activities on giving him instead its ace Broadway opening in connection with debut of "The World Changes" at the Hollywood tonight.

Next Summerville-Pitts

HOLLYWOOD, Oct. 24.—The third Slim Summerville-Zasu Pitts comedy feature of the current season for Unicersal will be "Where's Elmer?" from a story by Benjamin Paul Sydney.

Franklin Undecided; Gets Dinner Tonight

(*Continued from page* 1)

toward production than any other phase of the business.

Tonight, RKO executives, under the chairmanship of Phil Reisman, will tender the former circuit official a farewell dinner at the Waldorf. The function will be essentially a "family affair." Among those present will be:

M. H. Aylesworth, J. R. McDonough, Charles Koerner, Robert F. Sisk, Ned E. Depinet, Jules Levy, Nate Blumberg, A. P. Waxman, Sydney S. Cohen, Herbert J. Yates, Fred Meyers, Max Fellerman, Henry J. Walters, Arthur J. Benline, William Howard, Arthur Willi, Louis Cohen, Russell Emdy, Charles McDonald, James Brennan, Lou Goldberg, J. J. Franklin, W. G. Van Schmus, Roxy, J. J. McCarthy, O. R. McMahon and Barret McCormick.

Robert Schoen Passes

Robert Schoen, 62, veteran local exhibitor, died of heart failure late Monday evening. Funeral services will be held today at Reich's Chapel at 444 Central Park West. He leaves a widow, Dora; two sons, Joseph and Murray, and a married daughter, Mrs. Gertrude Ashkin.

S. R. Kent Sails

S. R. Kent, Fox president, sailed for Europe last night at midnight on the *Berengaria*.

Loew Pfd. Rises Two Points

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	21½	20½	21½	+ ½	300
Consolidated Film Industries, pfd	8¼	8⅛	8¼	+ ¼	300
Eastman Kodak	75½	73	75½	+2¼	600
Fox Film "A"	13½	13	13½	+1½	600
Loew's, Inc.	28¾	26	28¾	+2⅞	1,600
Loew's, Inc., pfd	68	68	68	+2	100
Paramount Publix	1⅝	1⅜	1⅝	.....	100
Pathe Exchange	1½	1⅜	1⅜	.....	300
Pathe Exchange "A"	8⅞	8⅞	8⅞	+ ⅜	200
RKO	2¼	2¼	2¼	— ¼	100
Universal Pictures, pfd	20	20	20	— ¼	1,000
Warner Bros.	6½	6	6½	+ ⅜	4,100

Technicolor Off Three Quarters

	High	Low	Close	Net Change	Sales
Technicolor	11⅛	10¾	10¾	— ¾	700

Para. Broadway Gains One and a Half

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	3⅝	3⅝	.....	18
General Theatre Equipment 6s '40, ctf	3⅛	3⅛	3⅛	— ⅛	2
Paramount Broadway 5½s '51	30	30	30	+1½	4
Paramount F. L. 6s '47	29	29	29	+ ½	1
Paramount Publix 5½s '50	27	27	27	—1½	2
Pathe 7s '37, ww	80	80	80	.....	1
Warner Bros. 6s '39, wd	41	40½	40½	— ⅜	3

Stagger Plan As An Aid to Musicians On

(*Continued from page* 1)

plan which would help reduce the unemployment curve among wielders of fiddles, saxophones and drums.

Three specific points already have been advanced by circuit representatives. The stagger scheme calls for 25 per cent replacement of new musicians, at prevailing wages. In some instances, it may be determined to set in an entirely new orchestra in those pictures houses which still use them every fourth week. In others and with the possible exception of key orchestra men, substitutes would be dropped in on the basis of one week in every four. At no increase to theatre operators, therefore, more musicians, in this wise, would be given partial employment and a reduction in income accepted by employed musicmakers to help their less fortunate co-workers.

A second suggestion is an adjustment of prevailing scales to permit neighborhood de luxers to augment orchestras by one or more men over week-ends.

A third slant, likewise bearing on existing scales, concerns situations where theatre operators incline toward breaking up straight picture policies with occasional stage units requiring orchestras. Theatremen are on record as having declared privately their policies would be considerably more flexible if organized unions would lay off attempted "squeeze plays" and allow them more leeway. More stage units would be used, it has been asserted, if local musicians' unions would desist in their efforts to capitalize such occasional policy by seeking to force a contract over longer intervals of time.

Weber probably will have to take the issues to his membership throughout the country. Whether or not employed musicians will relish the idea of the stagger system and the enforced reduction in their working time thereby entailed was an eventuality that could not be foreseen. Circuit spokesmen inclined toward the belief the head of the American Federation of Musicians will have a tussle on his hands.

Loew to Fight K. C. Receiver—Friedman

KANSAS CITY, Oct. 24.—Leopold Friedman, general counsel for Loew's, arrived here yesterday for conferences with John McManus, Midland theatre manager, regarding the receivership suit pending against local Loew properties.

After talking with Loew attorneys he said the company intended to resist the action filed here last week by M. B. Shanberg and H. B. Woolf and F. H. Reid. He denied Loew's intends to break the lease or to relinquish the property, as alleged in the petition. A hearing on an application for a temporary receivership will come up early in November.

Friedman left for the coast last night on the Santa Fe Chief with Nicholas M. Schenck. He expects to return here next week.

THRILL DRAMA RIPS LID OFF SNATCH RACKET

- Alert FOX manpower first with smash hit showing aroused public's finish fight with kidnap gangs... front-paged by every American newspaper!
- Amazing inside angles on dastardly methods of ransom racketeers . . . based on actual kidnap cases!
- Timely drama that hits home...and box office!
- Absorbing thrills guarantee sure-fire preferred-time clean-up for any man's house!

EVERY NEWSPAPER IS A HERALD FOR YOUR SHOW

THE MAD GAME

SPENCER TRACY

CLAIRE TREVOR
RALPH MORGAN

Directed by Irving Cummings

JOIN THE UPSWING WITH FOX

Caught

A FIRST NATIONAL PICTURE. DIRECTED BY MERVYN LEROY, WHO MADE "I A

- WARNER BROS. WILL INTRODUCE THEIR MOST IMPORT
- PRODUCTION SINCE "I AM A FUGITIVE" TODAY AT

N A SINGLE MOTION PICTURE, THE FURIOUS RAMA OF TODAY'S NEW WORLD! . . . . . .

From the mother who gives birth to her son on the dust of a Dakota prairie to the fighting conqueror of millionaires... From the divine love of a farm girl to the dollars that bought the body and soul of a platinum debutante... From good to bad —from old to new—from West to East—from Heaven to hell ...this glorious story charges to the climax of all screen drama!

PAUL MUNI

"THE WORLD CHANGES"

A FUGITIVE"

DRAMATIC
HOLLYWOOD

5 Women . . . .

One gave him life and turned his face toward the sun . . . The others killed his soul and left him broken among his dreams!

ALINE MACMAHON, MARY ASTOR, MARGARET LINDSAY, PATRICIA ELLIS, JEAN MUIR, AND 20 OTHERS

Industry Code Is Passed By Buyer Group

(Continued from page 1)

the agreement, although its approval was not conditioned upon their acceptance.

Makes Recommendations

On reviewing the original draft of the code, the board made a number of recommendations, it is said, only to be told by the legal experts of the Administration that it was going beyond the scope of the law. The suggestions made in its final report are understood to be without the scope of the code and therefore cannot be included and were made apparently with a view to putting itself on record with regard to certain matters not covered by the code but on which it believed some action should be taken.

With General Johnson again iterating his opinion that the Recovery Act does not permit the setting of maximum salaries, it is expected that the $10,000 penalty for offering excessive salaries will either be further clarified before the agreement goes to the President or will be considered solely as a restriction of an unfair practice. There is also some question whether a code should contain a penalty because of the fact that the Recovery Act itself stipulates the punishment for violations of code provisions.

Issues Order to Protect Codes

An executive order issued today by President Roosevelt paves the way for application of those provisions of the Recovery Act authorizing the restriction of imports which may render ineffective or seriously endanger the maintenance of codes. Forms have been developed on which complaints of foreign competition and applications for relief may be submitted.

Liberal interpretation of the executive order published yesterday releasing from NRA requirements enterprises with not more than five employes in towns of less than 2,500 is expected to relieve a large number of exhibitors from the labor provisions of the film code. No formal interpretations have been issued as yet but it was indicated by the Administration that control of small establishments in small towns will be virtually abandoned.

Chorine Code Shift Report Not Verified

(Continued from page 1)

fourth code draft to apply only when rehearsals last five days could not be verified here.

Mrs. Dorothy Bryant, executive secretary of Chorus Equity Ass'n., said yesterday she had not been officially advised that such a change was contemplated, nor had she been invited to discuss it either here or in Washington. Mrs. Bryant said she had signed the third code draft for her organization and felt that the action warranted her being advised in the event changes in its stage talent provisions were contemplated.

Fox Profit for 26 Weeks Goes Up to $330,777

(Continued from page 1)

films and literature, $258,384.34 was dividends from investments and other income was $512,607.78. Expenses, including exchange and home office operation, amortization of film costs and participation in film rentals totalled $14,786,935.68.

Profit before interest and depreciation was $662,386.95. Interest, amortization of discount and expenses on funded debt with depreciation of fixed assets totalled $331,609.34.

Foreign exchange showed a profit of $487,804.55, but settlement of contracts entered into in prior years reduced this by $156,000, leaving $331,804.55. This, added to the net operating profit of $330,777.61, was carried to surplus.

A note in the report says: "Interest on the debentures and bank loans, which was computed to Aug. 1, 1933, and formed part of the indebtedness retired and cancelled pursuant to the plan of reorganization effective as of April 1, 1933, and amortization of discount applicable to the retired debentures, has been charged to paid-in surplus."

The six months' report indicates a steady improvement in the company's position. On Sept. 28, figures for the first three months of the current fiscal year showed a profit of $74,716.83 and surplus of $203,045.60.

Indies to Take Code Fight to President

(Continued from page 1)

man of the resolutions committee. Sidney Samuelson, chairman of the meeting, charged Rosenblatt had "bungled" the supply dealers' code. He also criticized the deputy's handling of the radio code.

At the close of the meeting the resolutions committee, which has been conducting code negotiations, was clothed with unlimited power after Al Steffes suggested that "we have got to get the best democratic lawyer available to assist Abram Myers," adding "I mean a man powerful and influential enough to get our protest direct to the President."

What action is to be taken in engaging such a representative was left with the managing committee after Myers expressed regret the suggestion had been made in open meeting, pointing out the attendant publicity would hamper whatever person might be chosen.

Cole in his criticism of Rosenblatt asserted he was in favor of dealing "with General Hugh S. Johnson direct or any other accredited representative."

Plan Appeal to Public

A move to take Allied's case before the public via trailers and newspaper ads stirred wide debate when proposed by Steffes, but was voted down. Steffes declared he would close his houses rather than sign the code.

"If you do that," he said, "you will get the bankers behind you and then you'll get the kind of code you want."

Myers attacked Rosenblatt's view that the grievance board clause gives exhibitors a source of relief on many points omitted in the code.

"There is propaganda under way," he said, "to make you believe that this clause takes care of such problems as the right to buy and other important Allied considerations and this reason is being advanced as to why you should sign the code. I can't see where our problems are covered by this clause or how relief can be enforced this way."

The code was characterized by H. M. Richey as an "insult to the independent." Allied has placed all its problems in the hands of Myers, Richey, James C. Ritter, Steffes, Samuelson, Cole, M. B. Horwitz, L. F. Martin, Aaron Saperstein, Charles R. Metzger and Nathan Yamins. This group has been empowered not only to approach an important national figure to aid in the code fight but to decide if this is advisable.

The question of financing is also left with the committee, which was authorized to call on state units for necessary funds. The committee will also recommend candidates for the code authority.

Resolutions also were presented by Thomas E. Purcell, president of the National Council of Catholic Men Meeting Congress, and by an Allied committee composed of Col. H. A. Cole, Fred Herrington, Benjamin Berger, M. Branch and M. B. Horwitz.

Hammons Sees Code As Help to Talent

(Continued from page 1)

on his way east from the west coast.

Hammons said producers did not favor Article 5, as they wanted to continue "raiding" tactics, but that President Roosevelt had insisted on some sort of a check.

Jack L. Warner, vice-president in charge of production for Warners, also on his way east on the same train, was non-committal on any phase of the code.

"I don't know anything; you'll have to ask Washington," was all he would say. While in New York he will see a number of plays contemplated for production.

ALBUQUERQUE, Oct. 24.—The industry code is complete except for a few points, declared Nicholas M. Schenck here tonight during the pause of the westbound Santa Fe Chief for change of train crews.

He said he had no idea when it would go to the President for signature.

St. Louis Action Delayed

St. Louis, Oct. 24.—Members of the M. P. T. O. of St. Louis, Eastern Missiouri and Southern Illinois met at the Coronado Hotel this afternoon and voted to have copies of the code printed and sent to all exhibitors. Action was deferred until this was done and another meeting called. Fred Wehrenberg presided with about 150 attending.

Sale of Loew Stock Is Set For Nov. 27

(Continued from page 1)

Corp. in 1931, notified U. S. District John John C. Knox of the proposed sale yesterday and asked for instructions.

When Harley L. Clarke took control of the destinies of Fox the Loew stock was turned over to the General Theatres Equipment Corp. late in 1929. Following the Federal Court decree ordering disposal of the stock it was transferred to the Film Securities Corp. by means of stock transfers which protected the interests of General Theatres, Fox and the Chase National Bank. Since April 1, $20,000,000 due under a two-year six per cent gold bond issue dated April 1, 1931, has been in default.

In their communication to the court the trustees ask that the affairs of Film Securities Corp. be wound up and that they be discharged if there are no more duties for them to perform.

Claims No Word In On Coast Defections

(Continued from page 1)

First impression that their withdrawal concerned the M. P. P. D. A. is incorrect. They have never been members, but are members of the western affiliated organization, the Association of M. P. Producers.

As a matter of fact, Goldwyn said he had withdrawn several months ago. Schenck, then involved in a row with Warners over the talent acquisition campaign of 20th Century Pictures, declared his intention of doing likewise, but never went through with it.

The two producers oppose Article 5 of the proposed industry code which provides for open negotiations on star services.

ITOA Presents Labor Terms to Five Unions

(Continued from page 1)

held in Washington during code meets.

The I. T. O. A. submitted a verbal plan to the unions. For houses seating up to 600, exhibitors are willing to pay $75 for the entire booth operation; $105 from 600 to 900 seats; over 900 seats the figure varying from $115 to $190, with the exception of the Mayfair, which will pay $280. The proposal also provides that Allied M. P. operators also be made members of Local 306.

The boards of directors of Local 1, 4 and 340 of the Stagehands' Unions and Local 306 and 640 of the operators' union meet at the I. A. T. S. E. headquarters Thursday to consider the plan, which must be in writing at the time. They will report back to the I. T. O. A. Friday evening at the Astor.

Acquire Mexican Film

Spanish Productions, Inc., have acquired the distribution rights for "Profanacion," a Spanish film, produced in Mexico by Empresa Cinematografica Mexicana, S. A.

Universal's New Deal!

SAENGER THEATRES, INC.,

Seventeen cities in Louisiana and Mississippi

AFFILIATED THEATRES, INC.,

Nineteen cities in Louisiana and Mississippi

UNITED THEATRES, INC.,

Eighteen suburban theatres in New Orleans

sign for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

•

Thanks, **gentlemen, for your confidence in Universal Pictures. We will do our part.**

STAR GAZING

When you look at this lovely face, you are gazing on a great future star

DOROTHEA WIECK

in "CRADLE SONG"

Screen story by Marc Connolly, author of "Green Pastures"

Directed by Mitchell Leisen

PARAMOUNT, the company that brought you the only two big stars of the past year... *MAE WEST* and *BING CROSBY*... brings an attractive new personality to you, *DOROTHEA WIECK*, who scored an instant hit in "Maedchen in Uniform."

Paramount Pictures

if it's a PARAMOUNT PICTURE it's the best show in town

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 99 NEW YORK, THURSDAY, OCTOBER 26, 1933 TEN CENTS

President's Pen Poised Over Code for Industry

Enactment at Hand; May Be Signed Sometime During Day

Enactment of a code for the industry was close to the finish line at a late hour last night.

President Roosevelt's pen is poised over the fourth and, it is understood, final revision of the document and will dip into its White House inkwell momentarily.

The possibility is anything but remote, as a matter of fact, that the President signed it sometime last night, but efforts to learn whether or not this actually had taken place got nowhere. In view of the fact that Roosevelt is suffering from a a cold and also because Deputy Administrator Sol A. Rosenblatt was conferring with General Hugh S. Johnson until late in the evening, the probability is stronger that affixing of the signature which will make the code a law will take place sometime today.

The final draft is expected to show no important changes from the third, although some language has been clarified.

WASHINGTON, Oct. 25.—The road carrying the film code to the White House is cleared.

It is understood the President has kept himself fully informed with the situation in the industry. Deputy Administrator Rosenblatt earlier this week discussed the code at length with

(*Continued on page 6*)

Allied Sees Self Stronger; Code Attack Irks Capital

WASHINGTON, Oct. 25.—Officials of the NRA today refused to discuss the results of the Allied meeting in Chicago, but considerable resentment was expressed over a report that Allied had agreed to employ a prominent "Democratic lawyer" as impugning the integrity of the organization.

It was pointed out that there are probably as many Republicans as Democrats in the Recovery Administration and the inference was plain that the political complexion of anyone appearing before it would carry no weight whatever.

Allied's outspoken criticism of the

(*Continued on page 6*)

CHICAGO, Oct. 25.—A "larger and more effective" Allied States Ass'n was envisioned by its directors today as a result of the mass meeting of independent exhibitors held here yesterday.

Following a meeting this afternoon the directors issued a statement in which they said the definite stand taken by the association against the code in the interests of independents had strengthened the position of Allied.

The statement said yesterday's meeting had caused exhibitor leaders present to "feel that they have received

(*Continued on page 6*)

Wiseman Busy In Revamping Para. Finances

Actively Helping Group Headed by Vanderlip

Sir William Wiseman, former chairman of the Paramount Publix finance committee and a director of the company, is devoting much time to the reorganization plan looking toward the company's discharge from bankruptcy now in process, it was learned yesterday.

Last week Wiseman reported the company's current position as encouraging and said that a reorganization plan would be submitted to creditors "as soon as practicable." Wiseman, a partner of Kuhn, Loeb & Co., Paramount's bankers, is also a member of the Paramount bondholders' protective committee of which Frank A. Vanderlip is chairman. It is on behalf of this committee that the

(*Continued on page 8*)

Loew Won't Bid in Sale of Own Stock

Loew's, Inc. is not expected to bid for purchase of the block of 660,900 shares of its own stock through which William Fox bought virtual control of the corporation on Feb. 28, 1929 when those shares are sold to the highest bidder on Nov. 27.

The impression yesterday was the stock which cost about $55,000,000 to

(*Continued on page 8*)

17 Year Record

Indianapolis, Oct. 25.—"I'm No Angel" has broken all existing weekly attendance records at the Circle.

The theatre played to 56,553 admissions in the seven-day period.

The Mae West picture, one of the smashes of the season, will hit close to the $70,000 mark in its second week at the New York Paramount. In its first seven days, the film ended at $83,450, the biggest gross in that house in 95 weeks.

In its first week at the Brooklyn Paramount, the gross was approximately $52,000.

Kansas Faces 5% Admission Tax Proposal

TOPEKA, Oct. 25.—Among sales tax proposals urged for enactment at the special session of the Kansas legislature which convenes here next Monday is a graduated tax which may levy as much as five per cent on theatre admissions. Under this proposed legislation, that rate would be imposed on "luxuries."

Governor Alf Landon has summoned the legislative council to draft legislation to be submitted to the special session, a sales tax bill included.

(*Continued on page 8*)

Still Speculating On Academy's Fate

HOLLYWOOD, Oct. 25.—The fate of the Academy continues to hang in the balance, substantial Hollywood opinion believes.

Coming to the defense of his organization, Lester Cowan, executive secretary, said today only 50 of 950 actors enrolled in that branch have resigned. He made emphatic denial of

(*Continued on page 6*)

Poli to Take Over Circuit About Nov. 1

Sylvester Z. Poli is definitely determined to again operate his New England circuit unless one of the present negotiators for the 18 houses makes an offer to buy them outright. This was learned last night from Louis M. Sagal, son-in-law of Poli, and now operating the houses for the receivers. On July 7, MOTION PICTURE DAILY exclusively reported Poli would return to active operation of his former circuit when the receivership is lifted.

Several propositions have been submitted to Poli, but as yet there are no signs of a deal in the offing. According to the present plan, Poli-New

(*Continued on page 6*)

Schenck May Quit MPPDA in New Step

HOLLYWOOD, Oct. 25.—Joseph M. Schenck, who tendered his resignation from the Ass'n of M. P. Producers, western ally of the Hays organization, Monday night today threatened to quit the M. P. P. D. A. as well. While

(*Continued on page 6*)

NRA Reorganized; Shifts Rosenblatt

WASHINGTON, Oct. 25.—Reorganization of the Recovery Administration was completed today by General Hugh Johnson. The changes are solely for administrative purposes to relieve the Administrator of much detail to which he now must give his personal attention.

Under the reorganization four divisions are set up, each under a division administrator, among which are divided the several industries. Deputy Administrator Sol A. Rosenblatt is now attached to Division Four,

(*Continued on page 6*)

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Films Aid Recovery On Coast—Giannini

LOS ANGELES, Oct. 25.—Advancements made by Los Angeles on its recovery program may be attributed in good part to the film industry's increases in employment and payrolls, Dr. A. H. Giannini, head of the Bank of America and industry financier, said in an article appearing in the *Los Angeles Herald and Express*.

"With 75 pictures either in production or scheduled for production during October, with 30,000 people on regular payrolls and with an annual wage and salary outlay rising above $75,000,000, Hollywood today has actually passed the 1929 peak activity," Dr. Giannini declared.

The article declared that unjustifiable salaries should be eliminated but that artistic and executive talent having a measurable capacity to produce profits for the industry had a right to its earnings.

Robert Schoen Buried

Burial of Robert Schoen, local veteran exhibitor who died of heart failure late Monday, was held yesterday at the Beth David Cemetery in Long Island. His son, Murray, will continue to operate the Community, Queens Village, L. I., as heretofore.

Arliss to Coast Today

George Arliss leaves New York today for Hollywood to start his 20th Century contract. "The House of Rothschild" will be his first.

Warner Delays Arrival

Jack L. Warner, due in New York from Hollywood yesterday, failed to arrive. He is expected in today.

Sheehan on Coast

HOLLYWOOD, Oct. 24.—Winfield Sheehan has returned after 11 weeks in Europe and New York.

Looking 'Em Over

"The World Changes"

(First National)

Another in the Warner-First National romance of industry series and very well done in point of acting, chiefly by Paul Muni and Aline MacMahon, and in point of colorful production atmosphere.

The story covers a span of 50 years, starting when South Dakota was a territory and when Buffalo Bill fires Muni, then a young man, with an ambition to blaze a cattle-driving trail from Texas close to the Middle Western railheads. His rise to power, his not very successful marriage with Mary Astor, his determination to carry his business empire forward and how, through the pampering of his two sons, that empire crumbles and tragedy follows give a sketchy and quick idea only of the highlights of the story that develops through the years and ends with Muni's death in 1929.

The star kicks in with an expertly rounded, intelligently portrayed performance. He grows old rather magnificently. Miss MacMahon, as his mother, once again makes good on the plentiful promise of her earlier performances. Miss Astor, as the insane wife, is a surprise and demonstrates more dramatic power than this reviewer ever suspected she possessed. As a matter of fact the large cast does creditable work and reflects the capable direction of Mervyn Le Roy, who had a large canvas on which to block out his story and did it with real competence.

"After Tonight"

(Radio)

Connie Bennett's adherents will go for her latest. This time, the husky-voiced blonde finds herself all messed up in the World War. She's a Russian spy operating on Austrian ground. Gilbert Roland is an officer in the Austrian intelligence department. That supplies the love and the conflict.

Too much inside dope on Austrian troop movements filter across the lines to keep the war comfortable. Roland is turned loose on the hunt and eventually finds the trail that leads to the girl he loves. Looks like a pretty tough spot for him and a firing squad for the heroine. A fortunate bullet fired by one of Miss Bennett's aides in gypsy disguise keeps Roland out of bounds long enough to permit escape, however. Along comes the good old armistice and ultimate reunion.

Convenient as the story is, its treatment is suspenseful. Secret ink, messages taken out of lockets and out of cotton stuffed in a war prisoner's ear may sound theatrical, but they are effective nevertheless.

A satisfying programmer.

KANN

Wynn Quits ABS

Ed Wynn resigned yesterday as president of the Amalgamated Broadcasting System. He said his desire to give more of his time to his NBC broadcasts and his belief he was cut out to be a comedian and not an executive had prompted his decision. This was his official explanation.

"Show Boat" Postponed

HOLLYWOOD, Oct. 25.—Universal has postponed filming "Show Boat" until next spring, because of location work on the Mississippi River which cannot be done at this time of the year. This has resulted in the assignment of Frank Borzage to do "Little Man, What Now?" instead.

Fox Rises One Point on Exchange

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3⅛	2⅞	2⅞	— ⅛	300
Consolidated Film Industries, pfd	9½	8⅝	9⅛	— ⅞	1,100
Eastman Kodak	75	74⅛	74¼	—1	600
Fox Film "A"	15½	15½	15	+1	1,300
Loew's, Inc.	29⅝	28⅜	29	+ ¼	2,900
Paramount Publix	1¾	1½	1¾	+ ⅛	3,100
Pathe Exchange	1½	1¼	1¼	— ⅛	500
Pathe Exchange "A"	9¼	8¼	8¼	— ⅝	1,300
RKO	2⅝	2⅜	2½	+ ¼	1,000
Universal Pictures, pfd	20	20	20	.....	1,000
Warner Bros.	7	6½	6¾	+ ¼	19,800

Technicolor Off One Quarter

	High	Low	Close	Net Change	Sales
Technicolor	11⅞	11	11	— ¼	800
Trans Lux	1¾	1¾	1¾	+ ⅛	100

Warner Bros. Up One and Quarter

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4¼	4⅛	4⅛	+ ½	2
Keith B. F. 6s '46	46	46	46	+1¼	1
Loew's 6s '41, ww deb rights	84⅝	84⅝	84⅝	+ ⅛	1
Paramount F. L. 6s '47	30	30	30	+1	5
Paramount Publix 5½s '50	30	29¼	29¾	+ ¼	10
Warner Bros. 6s '39, wd	42¼	41	42¼	+1¼	48

Purely Personal

JAMES M. BECK, JR., M.P.P.D.A. representative in London, is here for his regular visit of a few weeks, and is spending a large part of it conferring with FREDERICK L. HERRON, head of the M. P. P. D. A. foreign department.

DUKE WELLINGTON has three lobby displays on Broadway currently with "The Bowery" at the Rivoli, "Footlight Parade" at the Strand and "I'm No Angel" at the Paramount.

HENRY HERZBRUN, JACK ROSS and HENRY SAULSBURY were among those who saw "The Green Bay Tree" at the Cort the other night.

J. G. BACHMAN is still around town. He's looking for a number of stories to take back to the coast for his independent production plans.

DAVE PALFREYMAN was forced to try convalescing from his recent illness at home, after several days at work without staging a real recovery.

KEN MORGAN, west coast recording engineer for Erpi, is in New York on his annual visit—three weeks of it.

BILL GOLDMAN did one of his quick in-and-outs from Philadelphia earlier in the week.

WILLIAM MELNICKER, in charge of South America for M-G-M, is due in New York shortly.

HARRY COHN, president of Columbia, plans to leave for Hollywood in about a week.

CHARLES L. O'REILLY is another local exhibitor fighting off a bad cold. It has laid him low since Monday.

EDDIE GOLDEN plans to make a tour of all Monogram exchanges within the next few weeks.

HAL HORNE is in the market for a pearl gray doiby and a toitle-neck sweater for tonight's Bowery Ball.

RICE, LANE and VINE, radio mimics, make their Metropolitan bow at the Roxy tomorrow.

WILLIAM SCULLY, eastern district manager for M-G-M, is in Boston for a few days.

AL CHRISTIE was the recipient of a surprise party on his birthday by the cast and staff of "Mr. Adam."

TOM HOWARD will start work tomorrow on an Al Christie comedy at the Eastern Service Studios.

BEN BLUE has been signed to make his third Vitaphone short.

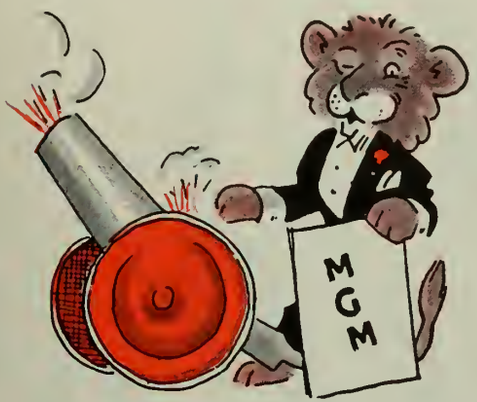
LOU GOLDBERG is having trouble with his stomach these days.

A. H. SCHWARTZ is bear hunting at Lake Placid. The score so far is zero.

HARRY BRANDT, president of the I. T. O. A., is nursing a bad cold.

"Ticklish? You'll scream at Jack Pearl, Jimmy Durante in 'MEET THE BARON' (*early engagements Baltimore, Memphis, etc., terrific!*) —and watch for my new comedy team May Robson and Polly Moran!"

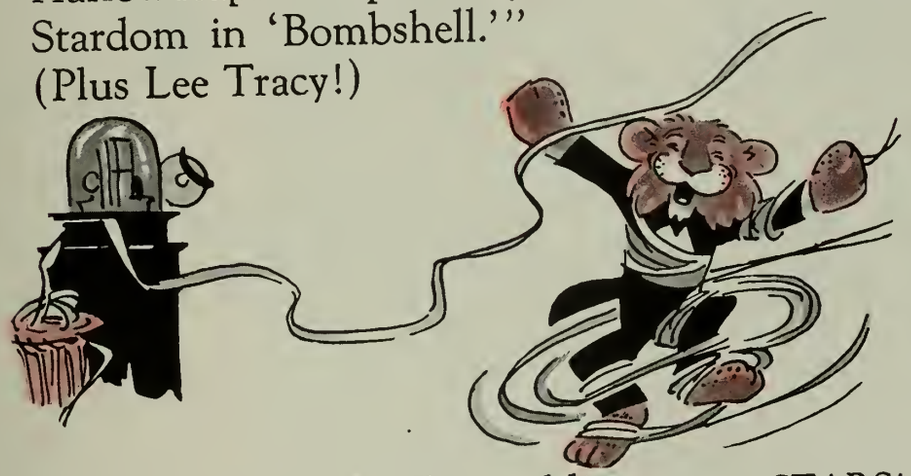
"I'm proud of 'DINNER AT 8'."



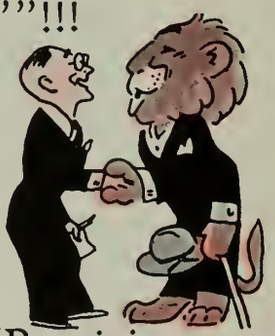
"Shoot the works! Jean Harlow leaps to Top Money Stardom in 'Bombshell.'" (Plus Lee Tracy!)

"Garbo's back! Oh boy!"

"I've made a picture called 'ESKIMO'. Another 'Trader Horn'"!!!



"Don't gamble! The public wants STARS! Dressler, Shearer, Davies, Harlow, Beery, the Barrymores, Helen Hayes, Montgomery—just part of M-G-M's big family."



"Receiving congratulations on 'HOLLYWOOD PARTY'."

THAT M-G-M LION

YOU'LL REMEMBER NOVEMBER! M-G-M MONTH OF HOLIDAY HITS! Joan Crawford & Clark Gable in "Dancing Lady." Ed Wynn in "The Chief." Marie Dressler & Lionel Barrymore in "Christopher Bean." "Prizefighter and the Lady" with Myrna Loy, Max Baer, Primo Carnera, Jack Dempsey. ***It's a pleasure!***

The Most Glorious L

"Man's Castle"

A FRANK BORZAGE
Production

with

SPENCER TRACY
LORETTA YOUNG

Glenda Farrell • Arthur Hohl • Walter Connolly
Marjorie Rambeau • Dickie Moore

From the play by Lawrence Hazard
Screen play by Jo Swerling

A Columbia PICTURE

ANOTHER SCREEN CLASSIC

e Story Since "7th Heaven"!

"'MAN'S CASTLE' IS GREAT"

"A gorgeously told, poignantly human Borzage romance, 'Man's Castle' is closer to 'Seventh Heaven' than anything the director has done since. Loretta Young's Trina stands alone above anything she has ever done. Tracy, Loretta Young and Borzage ought to spell busy box-offices for any showman. Plus a picture that can play on the public's heartstrings as the public likes to have its heartstrings touched, in any age."

Hollywood Reporter

"Deft direction . . . . delightful humor . . . . stirring pathos."

Photoplay Magazine

"A tender beautiful film in the 'Seventh Heaven' mood. Spencer Tracy projects a great heart-warming portrait. Loretta Young gives her best performance to date. Frank Borzage's direction hits the heart. It is a fine production and fine entertainment."

Motion Picture Daily

COLUMBIA PICTURES

FOLLOWS "LADY FOR A DAY"

Roosevelt's Pen Is Poised Over the Code

(Continued from page 1)

Presidential secretaries and some weeks ago had at least one conference with the Chief Executive himself.

Before development of the possibility that Roosevelt's pen had poised itself over the document, indications were today that General Hugh S. Johnson personally might have to make the final decision as he did for the oil industry and indicate to the industry that this was the code the President would sign. The NRA has rewritten the code four times. Thus if Johnson wanted a code to present at the White House, he had one waiting for him.

It is now 11 weeks since the first session of the industry was held in New York for consideration of a code, probably a longer time than has been required for consideration of any other trade agreement, and there are indications of an increasing desire on the part of the Administration to dispose of the matter.

Last minute tangles over the code, this time with respect to studio labor provisions which had been considered finally settled, were seen in the arrival today from New York of Pat Casey, studio labor contact, and Louis Nizer. A lengthy conference was held with Rosenblatt late this afternoon.

NRA Reorganized; Shifts Rosenblatt

(Continued from page 1)

headed by Deputy Administrator Arthur D. Whiteside, who has control of trades and services, textiles and clothing for administrative purposes, but will be considered as a special division for all amusement industries and will report directly to Administrator Johnson. All other deputy administrators will report to their division administrator.

Want to Reorganize But Don't Know How

HOLLYWOOD, Oct. 25.—Agents want to reorganize their Actors' Managers Ass'n, but don't seem able to agree among themselves on how it should be done.

Fifteen of the Hollywood top-notchers met behind closed doors at the Beverly-Wilshire last night to discuss a reorganization plan which would align agents with the Writers' and Actors' Guild. The move failed to get anywhere because of a split in opinion. Some argued if such an affiliation were made it would result in Joyce-Selznick ruling the roost.

Lobby Attracts

Lobby of the Hollywood which has been turned into an exhibit noting the progress of transportation and communication for the run of "The World Changes" attracted a good deal of attention last night and looked like one of the best exploitation stunts pulled so far by the Warner publicity staff.

Extras Disagreeing Now

Hollywood, Oct. 25.—Even the extras can't agree among themselves in the turmoil which is Hollywood's today.

The newly-formed Actors' Guild met last night and outlined further its plan to create a junior branch for extras limiting membership to 1,000. The plan would permit the extras to elect their own officers and operate as an auxiliary to the parent organization.

The extra group, headed by Alan Garcia and Frank Woods who have been working with the Academy on work and wage conditions for this classification in the code, also held a meeting tonight.

The third factor in the same situation revolves around another extra group which is proceeding in opposition to the Garcia-Woods combination. This third angle in the extras' triangle is also working on a membership drive of its own.

The one definite factor in the melee, therefore, is the evident difficulty of solidifying the extras into a single camp.

Allied Sees Self Stronger; Code Attack Irks Capital

(Continued from page 1)

code is believed in Washington to have heartened other groups in the industry which are dissatisfied with the agreement, but felt that little more could be accomplished. It is the exhibitors' contention that the code gives much to the producers but little to the theatres and fears have been expressed that the former group would dominate the entire industry to the disadvantage of the latter.

That the Recovery Administration will not take the exhibitors' attacks lying down was evidenced today when determination was reached to turn over to the Department of Justice for investigation a number of telegrams to which, it is charged, names of business men were signed without their knowledge.

It was made known by Deputy Administrator Sol A. Rosenblatt tonight that acknowledgment of a telegram to the White House on Oct. 11 and signed by H. H. Nye of the Elyria, O., Savings and Trust Co., had elicited from Nye a letter in which he said:

"I am at a loss to understand the situation as I have addressed no telegram to anyone in reference to this subject."

A number of other communications of similar tenor, some accompanied by affidavits, have also been received by the Administration and it is possible that the Justice Department will be asked to probe thoroughly the origin of the mass of telegrams which recently descended upon Washington.

I. T. O. A. Won't Sign Until President Does

Although members of the I. T. O. A. were enthusiastic about the code when a detailed report was given to them by Harry Brandt, Milton C. Weisman and Leo Brecher at their weekly meeting, formal approval by resolution will await signing of the draft by the President, they say. The code committee is expected to be recalled to Washington any day.

[Editor's Note—Groups which fail to sign the code prior to signature by the President are bound by the document without benefit of its provisions. Deputy Administrator Rosenblatt has made this clear several times in the last few weeks.]

(Continued from page 1)

not only a vote of confidence from exhibitors but a mandate to renew with increased aggressiveness their efforts in behalf of exhibitors."

"They feel," the statement continued, "that the cross-section of opinion represented at the meeting has enabled them to interpret the exhibitors' point of view and they believe that in their future operations they will correctly reflect that opinion of exhibitors everywhere.

"Definite plans have been laid to acquaint exhibitors from territories not represented at the meeting of facts relating to the code in order that they may judge its merits and reach a decision as to whether they have been properly represented by their leaders."

A committee headed by Abram F. Myers was named to expedite the association's campaign to have the code altered to meet approval of independents. Its members are James C. Ritter, Al Steffes, Aaron Saperstein, M. B. Horwitz and Sidney Samuelson, through whom the directors' statement was made public. The committee, it was announced, may be expanded "in the discretion of Myers."

Plans were laid for financing the immediate work of the managing committee as well as for uniting individual exhibitors and cooperating organizations into "an effective unit for future operations."

Technicians Protest Their $70 Minimium

HOLLYWOOD, Oct. 25.—Technicians are not satisfied with labor provisions in the industry code. Following an indignation meeting last night, that branch of the Academy had Lester Cowan wire Deputy Administrator Sol A. Rosenblatt a request that provision be made to protect this class of worker where salaries are above $70 per week.

The wire stated that, while technicians may be paid above minimum, they do not work continuously and that, therefore, their average pay often drops below minimum. It was held this applied particularly to assistant directors whose working hours are not restricted as the code now stands.

Technicians claim they can be forced to work unlimited hours out of proportion to their salaries.

Poli to Take Over Circuit About Nov. 1

(Continued from page 1)

England Theatres, Inc. will operate the circuit beginning around Nov. 1, with Sagal as head man.

Sale of the 18 houses to John A. McNaughton and W. B. F. Rodgers, attorneys representing Halsey, Stuart & Co. in the reorganization plan, for $3,101,000 on Oct. 20, is expected to be approved next Monday by the court. When the plan is approved the circuit automatically will be relieved of the receivership. The new company is expected to start functioning then.

With the formation of Poli-New England Theatres, Inc. in Dover on Monday, the new company listed 5,000 shares of no par value as capital. Walter T. Margetts, Jr., Daniel James and Leslie B. Soper of the legal firm of Beekman, Bogue and Clark, New York, are incorporators. Sagal last night stated he had not yet received certification of the incorporation and that no officers have yet been elected.

Sagal added he would operate Poli-New England for Poli if none of the propositions offered were accepted. He refused to say what the purchasing price was and whether Loew's or N. L. Nathanson was among the bidders. He did say there were many interested, however.

Still Speculating On Academy's Fate

(Continued from page 1)

the report the Academy was dipping into the red and that a levy on members was planned to wipe out deficiencies in the treasury.

Surprise resignation of Samuel Goldwyn last night is viewed as doing the stability of the Academy no good.

The Academy today dismissed the resignation of Goldwyn from its membership as of no importance, asserting that the producer had been suspended on Oct. 1 for non-payment of dues for six months. Joseph M. Schenck is reported not to be joining Goldwyn in his resignation move.

The code committee met this afternoon for a general discussion of the industry code. A meeting of the board of governors was called for Monday night, when a review will be made of the full text of the report on the code prepared by Cowan.

Schenck May Quit MPPDA in New Step

(Continued from page 1)

it is possible to belong to the eastern association and not the Hollywood affiliate, Schenck had this to say:

"I will resign from the eastern organization if necessary."

Samuel Goldwyn concurs with Schenck in this stand.

"I am of the opinion problems of the producers are separate from the rest of those in the industry and should be dealt with separately," Schenck added.

Universal's New Deal!

ROBB & ROWLEY THEATRES, Inc.

TEXAS · OKLAHOMA · ARKANSAS

Operating Big Springs, Hillsboro, Laredo, Waxahachie, Corpus Christi, Sherman, Palestine, Dallas, San Angelo, Del Rio, Sweetwater and McKinney, Texas; Durant, McAlester and Muskogee, Okla.; Little Rock, Arkansas,

signs for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

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Thanks, **gentlemen, for your confidence in Universal Pictures. We will do our part.**

Wiseman Busy In Revamping Para. Finances

(Continued from page 1)

Paramount reorganization plan is being developed, with Wiseman's active aid, by Dr. Julius Klein, assistant secretary of commerce during the Hoover administration. The committee represents holders of approximately $25,000,000 of the company's bonds.

While the reorganization plan is proceeding at a rate regarded as satisfactory by many important creditors it has not yet attained a stage at which a definite date for submitting it to creditors can be named. This coincides with the statement made to MOTION PICTURE DAILY last week by Adolph Zukor in which he said that while important progress toward reorganization had already been made, no accurate estimate could be made at this time of a date on which the work would be completed.

Paramount production and distribution operations are regarded as presenting no outstanding obstacles to reorganization. MOTION PICTURE DAILY understands that all of the company's activities are being subjected to study to assure that better results may be obtained. This may result in operating changes in those two branches of the company's business, but not necessarily in the personnel now handling them. The big job has to do with leases, bond issues and a general scaling downward of various elements involved in the theatre end of the enterprise.

In that direction, considerable progress is viewed as having been made. The key moves in reorganization of the theatre situation are the partnership and management deals either made or in process. These have affected such important theatre units as Publix-Detroit, Dent, Hoblitzelle and A. H. Blank circuits, Southern Enterprises and, now under discussion, Saenger and Publix-B. & K.

Loew Won't Bid in Sale of Own Stock

(Continued from page 1)

acquire at prices ranging from about $70 to $125 a share will be bought in by the interests that now hold them, principally Chase National Bank. Loew officials are said to regard these interests as friendly.

The proposed sale develops as a result of a default in interest of a $20,000,000 issue of six per cent gold bonds by Film Securities Corp. to which the original block of stock was transferred in 1931 after the Government had won a Clayton Act decree against Fox Film and Fox Theatres for purchase of the Loew issues.

Monogram Meet Opens

CLEVELAND, Oct. 25.—Opening session of the special Monogram franchise holders meeting got under way this afternoon at the Statler with W. Ray Johnston, president, conducting the conclave behind closed doors. Earlier in the day an informal screening of "Broken Dreams" was held for the benefit of the franchise men.

Unions Will Reject ITOA Labor Plan

With the boards of directors of Stagehands' Locals 1, 4 and 340 and Operators' Locals 306 and 640 meeting today at I. A. T. S. E. headquarters to decide on terms offered by the I. T. O. A. at a meeting at the Astor Hotel late Tuesday night, opinion of local union heads is that the plan will be rejected in toto. Another meeting between labor heads and members of the I. T. O. A. will be held at the Astor tomorrow night when, it is understood, the proposed terms will be turned down.

According to the plan submitted by the I. T. O. A., exhibitors will not pay more than $75 a week for the entire booth for theatres seating up to 600; $105 for houses seating from 600 to 900 and from $115 to $190 for seating capacities over 900. The Mayfair will not pay more than $280. The deal also provides that members of Allied M. P. Operators must be taken into Local 306.

Union leaders explain that, with theatres operating 84 hours a week, it is impossible to supply labor working 40 hours a week for the scales submitted. They also state Local 306 will not take in Allied men as they have no room for them. Harry Sherman recently admitted to Local 306 membership 600 permit men with most of them working on a part time basis.

Doubt If Order on Imports Means Film

WASHINGTON, Oct. 25.—Considerable doubt was expressed here today as to whether or not the executive order paving the way for restriction of imports will be applied to films made abroad, whether by foreign producers or by American stars.

It is provided in the law that the restriction of imports shall apply only when foreign product threatens to impair the operation of industry codes.

Investigations will be made only upon receipt of complaints from trades affected by imports, and it is contemplated that the complainants shall represent at least 50 per cent of the domestic production. No consideration has been given the subject of films thus far in this connection but officials privately expressed doubt whether imports constituted a menace to the American film industry.

"Diggers" Leader in "Champion" Line-Up

"The Gold Diggers of 1933" leads *Motion Picture Herald's* list of "Box-Office Champions" for the 1932-1933 season. Second is "42nd Street," thus giving first and second leads to musicals and Warners.

The others, in the order of their rating, follow:

TUGBOAT ANNIE: M-G-M.
SMILIN' THROUGH: M-G-M.
GRAND HOTEL: M-G-M.
HORSE FEATHERS: Paramount.
LOVE ME TONIGHT: Paramount.
CAVALCADE: Fox.
STATE FAIR: Fox.
RASPUTIN AND THE EMPRESS: M-G-M.
STRANGE INTERLUDE: M-G-M.
BIRD OF PARADISE: RKO.
BE MINE TONIGHT: Universal.
TIGER SHARK: First National.
70,000 WITNESSES: First National.

M-G-M leads the field with five.

Foreign Squeals

Los Angeles, Oct. 25. — "Three Little Pigs" will squeal in French at the Beverly for three weeks and in Spanish at Loew's State beginning Thursday.

Gaumont to Release 31 More in America

Gaumont British is adding 31 films to its release schedule for America, it was revealed here yesterday by Arthur A. Lee, operating head of the American subsidiary. The pictures are now in various stages of production at the Gaumont-British and Gainsborough studios in London and are:

"Jack Ahoy," "Friday the 13th," "Turkey Time," "Chu Chin Chow," "Red Ensign," "Man of Aran," "Aunt Sally," "Evergreen," "Brown on Resolution," "Public Enemy," "Road House," "Bella Donna," "Northbound," "Murder Party," "Wild Boy," "On the Dole," "Princess Charming," "Jew Suss," "Waltzes from Vienna," "Mary Queen of Scots," "Magnolia Street," "The Clairvoyant," "Paris in Spring," "Open All Night," "Men Without Work," "Covent Garden," "Brethertон," "A Bit of a Test," "Crazy People," "Little Friend' and "Wings Over Everest."

These pictures augment 20 already here for release in America. These are:

"Britannia of Billingsgate," "Channel Crossing," "Falling for You," "The Fire Raisers," "The Ghost Train," "The Ghoul," "It's a Boy," "Just Smith," "King of the Ritz," "Love in Morocco," "Love on Wheels," "Lucky Number," "The Man from Toronto," "Marry Me," "Night and Day," "Orders Is Orders," "The Prince of Wales," "Sleeping Car," "There Goes the Bride," and "Waltz Time."

Rosen Files Action Against Hays Ass'n

HOLLYWOOD, Oct. 25.—Charging it objects to production of "The Mad Dog of Europe," dealing with Adolf Hitler and the anti-Jewish campaign, Al Rosen yesterday filed a suit for $1,022,200 against the Hays organization. The plaintiff breaks the figures down as follows:

$7,200 for money expended.
$15,000 for incurred obligations.
$1,000,000 for punitive damages.

Rosen claims the Hays office objections interfered with a deal to make the picture at the Tiffany studio. Partial Hollywood opinion views the suit as a publicity move to create advance interest in the story in which Rosen is said to be trying to interest Samuel Untermeyer.

Hammons Returns From Trip to Coast

E. W. Hammons, Educational president, arrived in New York yesterday following a two weeks' business visit at the company's west coast offices.

He described the trip yesterday as his usual business visit, impelled this time by the recent division of production activity, which now centers half of the Educational production in the east. Several additions to the west coast story department were made, he said.

Mt. Ranier Goes Liberal

BALTIMORE, Oct. 25.—Mt. Ranier has voted for Sunday films, 412 to 154.

Kansas Faces 5% Admission Tax Proposal

(Continued from page 1)

Several sales tax measures have been suggested. There is considerable sentiment in favor of a one per cent tax on gross sales, estimated to raise more than $3,000,000 a year in Kansas. Such a measure passed the Senate at the regular session last winter, but died in the House.

Among numerous bills already drafted to bring the state in compliance with the NRA program is one authorizing non-enforcement of the state anti-trust laws. Another would make possible extensive public works construction as a relief move. Strengthening the banking laws and giving the state stricter control over banks is also planned.

Franklin Satisfied With RKO Record

Expressing satisfaction over having aided in directing RKO activities from business trials into "calm waters," Harold B. Franklin, recently resigned head of RKO theatres, addressed executives of the company at a farewell dinner given in his honor at the Waldorf-Astoria last night.

Franklin said that he would defer a proposed trip to Europe and might abandon it altogether in order to give further consideration to future activities. He was presented with an engraved silver coffee set by his RKO hosts.

Among those at the dinner were: M. H. Aylesworth, J. R. McDonough, S. L. Rothafel, Ned E. Depinet, Phil Reisman, W. G. Van Schmus, Jules Levy, N. J. Blumberg, Robert F. Sisk, C. W. Koerner, H. R. Emde, Louis Goldberg, J. J. Franklin, J. J. McCarthy, Herbert Yates, Harry Goetz, A. P. Waxman, Charles McDonald, J. M. Brennan, John O'Connor, Fred Meyers, Max Fellerman, Henry W. Walters, Arthur Benline, William Howard, Arthur Willi, Louis Cohen, O. R. McMahon, William Mallard and S. Barrett McCormick.

Consolidated Earned $253,901 in Quarter

Consolidated Film Industries, Inc., and subsidiaries yesterday reported for the quarter ended Sept. 30 consolidated net profit of $253,901 after depreciation and Federal taxes. This is equivalent, after dividend requirements on $2 preferred stock, to 10 cents a share (par $1) on 524,973 shares of common stock. This compares with $197,177, or 49 cents a share on 400,000 shares of $2 preferred stock earned in the same quarter last year.

For the nine months ended Sept. 30, net profit was $716,478 after charges and taxes, equal to 22 cents a share on the common and comparing with $685,273, or 16 cents a share in the first nine months of 1932.

Ampa's Closed Session

The regular meeting of the A. M. P. A. will be a closed affair today. It is understood Lou Goldberg will attend and air his views on membership and policy.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

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VOL. 34. NO. 100 NEW YORK, FRIDAY, OCTOBER 27, 1933 TEN CENTS

Zukor to Give Testimony at Para. Hearing

Trustees Notify Rogers, Creditors' Attorney

Adolph Zukor will be placed on the stand today at an adjourned meeting of Paramount Publix creditors for examination either by counsel for the Paramount trustees or by creditors' attorneys, Saul E. Rogers, attorney for a Paramount bondholders' group, was advised yesterday by the trustees.

Rogers requested at the last creditors' meeting before Henry K. Davis, referee in bankruptcy for Paramount, that both Zukor and John Hertz, Chicago financier and former chairman of the Paramount finance committee, be produced by the trustees for questioning. He was also advised yesterday that the trustees had written to

(*Continued on page 4*)

Hold Sale of Loew Stock a Formality

Sale of the 660,900 shares of Loew's, Inc., by the Chemical Bank & Trust Co., scheduled to take place Nov. 27, was described yesterday by David N. Bernstein, Loew's treasurer, as a formal procedure under which holders of the defaulted $20,000,000 bond issue of Film Securities Corp. will acquire the stock.

The transaction, scheduled for a hearing before Federal Judge John C. Knox here Nov. 15, would thus result neither in a change of stock control of Loew's nor in dumping the shares on the market, in the event the sale is approved by the court. The

(*Continued on page 4*)

Midland Hike May End K. C. Price War

KANSAS CITY, Oct. 26.—Disaster loomed for cut-throat trade practices and admissions in Kansas City today when the Independent Theatre Owners Ass'n received news from Col. E. A. Schiller of Loew's from New York that the company had consented to boost the 25-cent price at the first run Midland in accordance with the demands of local independents in their battle for a "fair practice" deal.

Col. Schiller told the association his company's action hinged on the agreement of suburbans to eliminate certain practices. It is understood the

(*Continued on page 4*)

Warner Hits Goldwyn and Schenck Move

"Stragglers in Army of Progress," He Says

"There are stragglers from every army, including the army of progress. It is an unfortunate fact that there are men in our industry who will do or say very wild things indeed to get their names in the papers," stated Jack L. Warner, vice-president in charge of production for Warners, last night.

His remarks were directed at Samuel Goldwyn and Joseph M. Schenck, who accompanied their resignations from the Association of M. P. Producers with attacks on the industry code and its limitations on "star raiding."

Warner said he had been "amused" by the Goldwyn and Schenck statements.

"They were either made simply for the sake of publicity," he said, "or

(*Continued on page 4*)

20 Supervisors for W. B. Checking Plan

Warners' theatre checking service, inaugurated by the company to check all its percentage engagements, is now operating with a full field personnel under direction of 20 field supervisors.

Local checkers for every theatre situation have been trained by the supervisors and now comprise the only

(*Continued on page 4*)

Reform

A Mickey Mouse once a day instead of once a month and Mae West's picture replacing George Washington's on postage stamps are among first orders issued by Billy Gaxton following his ascendancy to musical comedy dictatorship in "Let 'Em Eat Cake," stage sequel to "Of Thee I Sing."

Budget Boost By Monogram Is Voted O. K.

CLEVELAND, Oct. 26.—At the close of the Monogram meeting here today it was announced by W. Ray Johnston, head of the company, that franchise holders had unanimously adopted the proposal to increase the minimum budget per picture to $100,000 to permit bigger "star" casts and better authors to be engaged.

Johnston said production plans would be elaborated to make pictures for first run showing. The breakdown in the major circuits, according to him and Trem Carr, vice-president in charge of production, has now given Monogram an opportunity to make first run situations.

The question of an increased budget for the new season constituted the only major discussion of the meeting. No action was taken on the code. This matter was left to the executive committee, which is empowered to act as spokesman for Monogram in

(*Continued on page 4*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Cradle Song"

(*Paramount*)

HOLLYWOOD, Oct. 26.—Paramount merits more than passing commendation for producing "Cradle Song." Completely out of the beaten path of film entertainment, the picture is sensitive and touching. It drew many muffled sobs from a preview audience.

The film should certainly attract discriminating patrons and stimulate the every-day fan. The story, by Martinez Sierra, noted Spanish playwright, tells of an infant left at the door of a convent by an unknown mother. Dorothea Wieck, cloister novitiate, is devoted to the child. Sir Guy Standing becomes the foster father while all the nuns lavish gentle kindness on the baby girl. Drama and heartbreak arrive

(*Continued on page 6*)

Illness Sets Back Signing Of the Code

Rosenblatt Has Cold and Activities Halt

WASHINGTON, Oct. 26.—Due to the illness of Deputy NRA Administrator Sol A. Rosenblatt the code did not go to the White House today as expected.

Consideration of the document was suspended when Rosenblatt was obliged to quit work because of a severe cold. He was forced to go to bed.

In the meantime there is a new gathering of film men forming here, with Will H. Hays and Louis Nizer known to be in the city, and others rumored to be here or en route. While it is believed they are here for further discussion of code provisions, in view of rumors current in New York, there was an impression that they might be gathering to observe the last rites which will make the code a law.

General Johnson's office maintains that he has not received it.

Easing of Salary Penalty Reported

WASHINGTON, Oct. 26. — Further easing of the salary penalty clause in the code is understood to have been made, but both confirmation and details are lacking.

Opponents of this provision continue in their contention that the inclusion in a code of a penalty for violation is illegal and an assumption of the powers of Congress, which has specified in the Recovery Act the penalties to be meted out to violators.

Omaha Exhibitors' Group Favors Code

OMAHA, Oct. 26.—Exhibitors in this territory are for the code. More than 100 of them, representing Allied, the M. P. T. O. and unaffiliated houses

(*Continued on page 4*)

MPTO of St. Louis Hits Part of Code

ST. LOUIS, Oct. 26.—Considerable opposition to signing the industry code in its third revised form has developed among members of the M. P.

(*Continued on page 4*)

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NRA WE DO OUR PART

Critics Warner Guests

The Chicago film critics who came to New York for the world premiere of "The World Changes" Wednesday night were entertained by the Warners—Harry, Jack and Albert—at a luncheon yesterday in the Warner Club restaurant. Other Warner men present were Gradwell Sears, S. Charles Einfeld, Jacob Wilk and Sam Clark. The reviewers were Hazel Flynn of the *American,* Clark Rodenbach of the *Daily News,* Carol Frink of the *Examiner* and Doris Arden of the *Times.* The group plans to return to Chicago today.

Warner Club at Party

Members of the Warner Club tonight will journey to New Haven to attend a Hallowe'en party to be staged there by Warner employes. Among them will be A. W. Schwalberg, head of the club; Harold Rodner, Ruth Weisberg and Estelle Schrott. Tomorrow the local Warnerites will attend the Yale-Army football game.

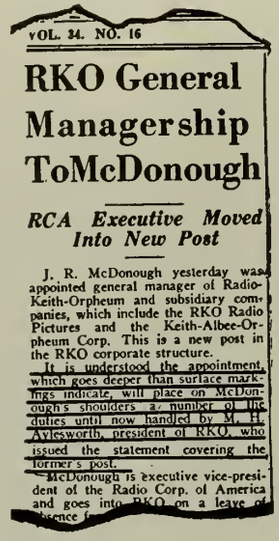
Rosen Heads East

HOLLYWOOD, Oct. 26.—Al Rosen is eastbound to confer with Samuel Untermyer on the story aspects of "The Mad Dog of Europe," anti-Hitler film which the former insists he will produce. Earlier in the week he filed a $1,022,200 suit against the Hays association charging interference with his plans.

BEN BLUE
Starring In Series
WARNER BROS. SHORTS
Produced by SAM SAX *Directed by* RALPH STAUB
Direction: LEO MORRISON

Insiders' Outlook

THE choicest morsel on the street is RKO and what's likely to happen in and around Radio City. J. R. McDonough, who doesn't like newspaper men and clears all queries—there are many—through Bob Sisk, has a lot of eyes turned in his direction. Tongues are hanging out and perspiration running freely over the name of Harold B. Franklin's successor. The odds seem heavier than before in favor of Leslie Thompson, who formerly handled labor problems for the circuit until he recently joined Trans Lux. One of the hitches there was Thompson's insistence that he continue the T. L. connection. That's been eliminated now. He can have that and RKO as well if he likes and if inside reports are faithful to the truth.



VOL. 34. NO. 16

RKO General Managership ToMcDonough

RCA Executive Moved Into New Post

J. R. McDonough yesterday was appointed general manager of Radio-Keith-Orpheum and subsidiary companies, which include the RKO Radio Pictures and the Keith-Albee-Orpheum Corp. This is a new post in the RKO corporate structure.

It is understood the appointment, which goes deeper than surface markings indicate, will place on McDonough's shoulders a number of the duties until now handled by M. H. Aylesworth, president of RKO, who issued the statement covering the former's post.

McDonough is executive vice-president of the Radio Corp. of America and goes into RKO on a leave of

▼

That would keep Nate Blumberg in Chicago, where he is now in charge of Middle Western theatres, and Phil Reisman in New York, where he is now, as well, in charge of film buys. At the same time, however, and fraught with much more significance, is the immediate future of M. H. Aylesworth. There are stories afloat and they tie him and the days to come closer to NBC than to RKO. Some quick thumbing of MOTION PICTURE DAILY files yesterday brought to light the original story of McDonough's appointment on July 19 and a phrase or two, significant at the time, but more so now, which indicated something was on the way. . . .

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Then there is Roxy. He hasn't had it entirely his own way since Radio City threw open its handsome doors almost a year ago and today his way is reported even less his own. There have been some pointed suggestions made about operating costs at the Music Hall, all of which Roxy isn't cheering about. Hand in hand with that, are constantly recurrent reports that Herb Lubin, who had considerable to do with the promotion of the Old Roxy has been talking to its namesake about a return to the 7th Avenue Cathedral. Yet if you believe in denials, you have Howard Cullman's word for it that this is the bunk. . . .

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Meanwhile, Franklin is outfitting an office on the 54th floor of the NBC Building. That may be so that he can look down on the RKO-ites. . . . Paul Muni's new one for Warners, "The World Changes," carries a marked resemblance to "I Loved a Woman," Eddie Robinson's last. All about meat packers and their rise to fortune. . . . The Educational bunch saw "Million Dollar Melody," first of the "Musical Comedy" series, in the Fox projection room yesterday and came out raving. Jack White produced it over on Long Island. . . . Shock to some film men: The President, in discussing NRA and codes over the radio Sunday night, said all of the nation's greatest industries had been codified. So! . . .

▼

It develops that the elimination of score charges, the one trade practice issue emphasized by the M.P.T.O.A. which did not find its way into the code, never was regarded by it as a vital issue. Its greatest importance to the organization was as a "trading point" with distributors. The exhibitor leaders who shouted the loudest for elimination of the $5 score charge on the $25 film rental knew when they were doing it that, if their shouts were answered in the code, that $25 film rental would become $30 with the first picture sold after the code became effective. KANN

M. P. Club Treasury Needs $5,000 by Sat.

The Motion Picture Club treasury requires overhauling to meet current outstanding obligations and is faced with necessity of raising $5,000, by tomorrow morning. A special plea has been sent out to members to aid by paying delinquent accounts. The directors meet today to discuss the situation.

May Close Czech Offices

American companies are expected to close their offices in Czechoslovakia due to failure to agree on new quota terms, it was learned late last night.

Purely Personal

JACK WHITE, with AL CHRISTIE, will place in production today a new Coronet Comedy with TOM PATRICOLA and CHARLES JUDELS in the principal roles. WHITE will direct.

HERB HAYMAN is opening his own casting office in New York. He was formerly with Warners and Paramount here.

ROY MACK starts direction on "Come to Dinner," a satire on "Dinner at Eight," at the Vitaphone studio today.

MORAN & MACK, under contract to Educational for a series of comedies, have signed a contract to broadcast.

HARVEY DAY leaves today on a three week tour of the Fox exchanges of the South and Mid-West.

RALPH W. BUDD, Warner personnel manager, designs theatre equipment improvements in his spare moments.

EDDIE DOWLING, who has been spending a few days in Washington, returned to New York yesterday.

JESSE CRYOR has been engaged for the F. & M. stage show beginning today at the old Roxy.

M. J. WEISFELDT, Majestic sales manager, is in Chicago on a business trip.

A Correction

In publishing *Motion Picture Herald's* annual list of "Box-Office Champions" yesterday, MOTION PICTURE DAILY credited "70,000 Witnesses" to First National.

Charles R. Rogers produced the picture for Paramount release.

Hall Out: England In

R. E. Hall yesterday resigned his post in the maintenance department of the RKO circuit and was succeeded by W. B. England, member of the accounting department.

Three Stars Colonels

FRANKFORT, Ky., Oct., 26.—Latest commissions issued by Gov. Ruby Laffoon have been mailed to Mary Pickford, Clark Gable and Charles Chaplin. Mae West was made a colonel last week.

Fred W. Peters Dead

DALLAS, Oct. 26.—Fred W. Peters, for many years cashier of National Theatre Supply, died here. He was known to thousands of exhibitors in this territory.

Cohn Leaving Sunday

Harry Cohn, president of Columbia, returns west Sunday after a few weeks conferring with his brother, Jack, and Nat Spingold.

Bach Recovering

TORONTO, Oct. 26.—W. A. Bach, president of Audio Prod., New York, is recovering from an appendicitis operation at the Western Hospital.

NEWS OF WEEK IN PHOTO-REVIEW

"WORLD CHANGES" WELCOMED as "picture to cheer about" at N. Y. Hollywood opening which required this special corps of usherettes to handle mobs of Muni fans.°

FIRST SHOTS OF "WONDER BAR" show Dick Powell, in composer role, as latest headliner to join Jolson in Warners' next great musical.°

"FANS GOING for Powell's 'Kennel Murder Case' at Met., Wash." reports *Variety* — and history repeats at Thursday's Broadway premiere.*

STANISLAUS WARNOWSKI AMAZED at *M. P. Herald* pool's selection of "Gold Diggers" and "42nd Street" as two top box-office champions of '32-'33. "Never heard of any such pictures", declares noted asphalt valet.*

"FOOTLIGHT PARADE" QUEEN gets Warner screen test as part of two-week promotion plug which added Syracuse to the 85% of key spots which are holding over latest Warner music hit.*

"COLLEGE COACH" KICK-OFF set for next week. Warners' daring slant on gridiron "graft" expected to register biggest upset of year in football circles.*

KAY FRANCIS CAST for lead in "Mandalay" as first print of her "House On 56th Street" reaches New York.*

*A Warner Bros. Picture †A First National Picture Vitagraph, Inc., Distributors

Warner Hits Goldwyn and Schenck Move

(Continued from page 1)

they represent astonishingly slight knowledge of what President Roosevelt is trying to accomplish under the NRA system and of what almost all the leading producers are trying to do in his support.

Calls Stand "Peculiar"

"It seems rather peculiar that Mr. Schenck and Mr. Goldwyn should take their present stand as the only exceptions in the general effort of the major producing companies to support the program of national recovery by the greatest possible activity and consequent employment.

"Let me say very dennitely that there is no desire on the part of any right-thinking man in the industry to limit any actor's income arbitrarily and unreasonably. All we are trying to bring about is that all the people employed in this industry shall get fair and just returns for their work.

"Mr. Goldwyn advocates fewer pictures. Fewer pictures mean less employment and less money put into circulation. The President of the United States is trying to create employment on as wide a scale as possible.

"Since June 24 Warner Bros. and its affiliated company, First National, have produced 26 feature pictures, of which to date 24 have been shipped to headquarters in New York for release; and they have 20 more in active preparation to go before the cameras in the immediate future. The production of these films has increased employment by thousands of people and has entailed the expenditure of large sums of money. But the pictures meet a public demand. Their production is proving profitable.

"To the best of my belief Mr. Sam Goldwyn has not completed one motion picture during the same period, although he has had one in production. As far as I know he has only two actors under contract, one of them Eddie Cantor, with whom, I believe, there is a partnership arrangement.

"So the issue is clearly drawn between the spirit of NRA and the spirit represented by Messrs. Goldwyn and Schenck. The same issue presents itself today wherever, in a great industry, narrow minds attempt to block the development of organization on modern lines.

"Organization for unity and progress, while maintaining fair and healthy competition, is as necessary for the motion picture industry as for any other. It is essential to efficiency and also to good will and harmony. And it is of the very essence of the program of national recovery as urged by President Roosevelt."

May Wed Nov. 10

HOLLYWOOD, Oct. 26.—Doris Warner, only daughter of Harry M. Warner, shortly will wed Mervyn Le Roy, Warner director, whose latest, "The World Changes," opened at the Hollywood, New York, Wednesday night.

Nov. 10 is being talked of as the date.

Budget Boost By Monogram Is Voted O. K.

(Continued from page 1)

making public anything having to do with the company's stand on the code.

Johnston and Carr are remaining in Cleveland until Friday for a round of golf. They will leave for New York Friday night to complete production plans. Franchise holders, who came to this city from all over the country to attend the meeting left for their homes tonight.

20 Supervisors for W. B. Checking Plan

(Continued from page 1)

checking service being used by Warners. A staff of alternates for the regular checkers has also been organized. The checkers receive theatre assignments from the field supervisors, who work out of the Warner exchanges.

Ralph W. Budd, Warner personnel manager, heads the new checking department, which was inaugurated, he said, as an economy measure. Local men are employed as checkers, relieving the distributor of the expense of traveling costs in cases where checkers otherwise would have to be imported from distant key cities.

Hold Sale of Loew Stock a Formality

(Continued from page 1)

Chase National Bank holds the bulk of the defaulted bonds, for which the 660,900 shares of Loew's is collateral.

The effect of the transaction, it was said, will be to give the Chase group formal ownership of the stock in return for the defunct bonds.

Lou Golding in Newark

Lou Golding, formerly RKO district manager in Albany, is now managing the Proctor's, Newark.

Midland Hike May End K. C. Price War

(Continued from page 1)

offer is to boost the price at the Midland to 35 cents beginning Nov. 4 with the showing of "Bombshell." It is also understood that suburbans ban double bills, dime nights, giveaways, etc.

Jay Means, president of the I. T. O. A., and a committee are sounding out all suburbans in an effort to determine whether they agree to the conditions set down by the Loew organization. It is reported that Loew's demands unanimous agreement to the terms or, at least, their acceptance by a majority of the suburbans. Consensus of opinion here is that agreement with Loew's will end local price wars.

It is expected developments in the near future will bring about stabilization of admission prices and sharp restriction, if not actual prohibition, of double bills, giveaways, cut rates, two-for-ones and the entire welter of "price evasions" which have brought local suburbans to the worst competitive situation in history.

The I. T. O. A. had submitted a proposal to Col. Schiller regulating practices among suburbans which they intended to adopt, provided Loew's raised the price at the Midland to at least 40 cents, which is top at other first runs.

Last week Means wired Col Schiller he and some others were prepared to reduce their admissions from 15 cents and 20 cents to a dime unless immediate action was forthcoming. Loew's wired back demanding the independents "do something" about double bills.

Since the Midland is considered strong competition to suburbans as well as first runs, every exhibitor wants its price tilted. In fact, the low price is regarded as the crux of the entire price situation in the city and territory, and, it is claimed, prevents boosts in admission prices where they otherwise might be considered proper.

On top of that, exhibitors are balking at playing big pictures which prove strong draws at the Midland, claiming that house "milks" the neighborhoods. Fox Midwest is dissatisfied because of this situation, as a result of which a percentage date on "Tugboat Annie" was pulled at a 25-cent Fox suburban.

Fox Slumps One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	20⅜	20⅜	20⅜	—1⅛	300
Consolidated Film Industries	3⅛	3⅛	3⅛	+ ¼	200
Consolidated Film Industries, pfd	9½	9⅞	9⅞	.....	600
Eastman Kodak	74	73	73	—1½	1,000
Eastman Kodak, pfd	125⅞	125⅞	125⅞	.....	1,000
Fox Film "A"	15⅝	14½	14½	—1	2,500
Loew's, Inc.	28⅞	28⅞	28⅛	—1⅛	1,900
Paramount Publix	1¾	1⅝	1⅝	— ⅛	500
Pathe Exchange	1⅜	1⅜	1⅜	+ ⅛	100
RKO	2⅝	2½	2½	.....	400
Universal Pictures, pfd	19¾	19¼	19¼	— ¾	3,000
Warner Bros.	6¼	6¼	6⅜	— ⅜	1,600

Technicolor Off Five Eighths

	High	Low	Close	Net Change	Sales
Technicolor	10⅞	10⅜	10⅜	— ⅝	700
Trans Lux	1¾	1¾	1¾	.....	100

Paramount Broadway Up Two

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4⅜	4	4	— ⅛	15
General Theatre Equipment 6s '40, ctf	3⅜	3⅜	3⅜	+ ¼	2
Keith B. F. 6s '46	46	46	46	.....	1
Paramount Broadway 5½s '51	31	30	31	+2	4
Paramount Publix 5½s '50	30	30	30	.....	4
Warner Bros. 6s '39, wd	41½	40½	40½	—1	14

Zukor to Give Testimony at Para. Hearing

(Continued from page 1)

Hertz at Chicago asking him whether he had any objections to submitting to examination. To date, the trustees have had no reply from Hertz.

Rogers said that he would make no objections to counsel for the Paramount trustees conducting the examination of Zukor, if they chose to do so. He said he was principally concerned with testimony which Ralph Kohn, former Paramount treasurer, and Austin Keough, Paramount general counsel, had been unable to supply while they were on the stand.

Preceding the examination of Zukor the trustees are scheduled to seek authorization for the settlement of a claim against Fox Film arising out of the leasing of Pacific Coast theatres; settlement of a claim filed by Walter Reade and Frank V. Storrs, and authority to proceed with reorganization of various subsidiaries.

Omaha Exhibitors' Group Favors Code

(Continued from page 1)

approved a report of Cal Bard on the Washington negotiations and agreed to retain their joint organization until code practices are firmly established.

Deputy NRA Administrator Sol A. Rosenblatt is a native of this city.

"We are eager and anxious to operate under the approved code as the best plan to put the industry on a firm basis and intend to back Rosenblatt to a man," Bard reported after a meeting with the exhibitor group.

The committee which it was decided to continue includes Bard, as chairman; August Herman, Sam Epstein and Walter Creal of Omaha; Phil March of Wayne, Neb., and Lester Martin of Nevada, Ia.

MPTO of St. Louis Hits Part of Code

(Continued from page 1)

T. O. of St. Louis, eastern Missouri and southern Illinois. As a result Fred Wehrenberg, president, has deferred signing until all members have had a chance to study the forthcoming final draft. Copies are to be sent out as soon as they are received.

Wehrenberg told members at a recent meeting that there were features of the code he did not like, but that he felt it was the best obtainable. He said opposition from independent producers and distributors should not be considered, and expressed the opinion that some independent product was a detriment to the industry.

Some of the members in this territory are centering their opposition on the labor provisions of the code, claiming that increased costs will outweigh any advantages they may obtain.

"Eskimo" at Astor

"Eskimo," produced for M-G-M by Hunt Stromberg, will open at the Astor Nov. 14 instead of Nov. 15 as first planned.

Universal's New Deal!

E. M. LOEW CIRCUIT

Operating in Boston, Worcester, Charlestown, Somerville, New Bedford, Arlington, Roxbury, Watertown and Fitchburg, Mass;, Providence, Pawtucket and Olneyville, R. I., and Portland and Sanford, Me.,

signs for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

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***Thanks,* Mr. Loew, for your confidence in Universal Pictures. We will do our part.**

AMPA Malpractices Aired at Meeting

Reforms in the A. M. P. A. and plans for a constructive and more concrete organization are under way as a result of a closed meeting of the association yesterday at Sardi's. Numerous speakers discussed the recent charges of Columbia as preferred by Lou Goldberg and agreed in most instances that there was reason for complaint.

Heading the group of complainants was Goldberg who stated that he had no grievance against anyone in particular but his accusations were an indictment against the organization itself for not upholding its original purpose. Other speakers included John Flinn, president; Bert Adler, Vivian Moses, Tom Hamlin, Ralph Gervers, Leon Bamberger, Paul Benjamin and Martin Starr.

It was brought out that of the 147 members only 37 are in good standing and some of these are not representatives of the industry. Practice of some companies replacing employes with new men for less than half the salary of the outgoing men also was criticised.

The general tenor of the meeting was to buckle down to bringing the organization back to a commanding place in the industry. It was agreed it would be better to have a small group of bona fide press agents and advertising men active in furthering the welfare of its members than a large and unimportant membership. Flinn stated that if present committees were not functioning within 30 days he would appoint new committees which would.

The board of directors was ordered to get to work on plans for rehabilitating the A. M. P. A. and report back at the next meeting as to the program to be pursued. About 25 attended the session yesterday.

"Berkeley" 5-Week Gross Here $46,950

In its five-week run at the Gaiety "Berkeley Square" grossed $46,950. For the opening week, which ended Sept. 20, the take was $10,350. It held around $9,000 for the two succeeding weeks and then dropped to $8,000 in the fourth. The final gross, covering an 11-day period ending Oct. 22, was $10,100.

The takings week by week follow:

Week ending Sept. 20	$10,350
Week ending Sept. 27	9,500
Week ending Oct. 4	9,000
Week ending Oct. 11	8,000
Week ending Oct. 22—11 days	10,100
	$46,950

Loews to Make Air Tour

Arthur and David Loew and their wives will make a trip around the world by air, starting from the coast on Nov. 15 when they will board the *Mariposa* for Australia. The trip will take six months.

Dent Reaches London

LONDON, Oct. 26.—Arthur Dent, a director of B. I. P., returned yesterday from a six-week trip to the United States.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 1)

when the child, now bloomed to girlhood, meets a young engineer outside the convent and leaves there to marry him.

The entire production leans toward the unusual and has about it a definite spiritual quality. Direction by Mitchell Leisen captures and sustains the delicate moods and feelings. For the American debut since "Maedchen in Uniform," Miss Wieck presents a fragile portrait, suffused with haunting beauty and promising much for the future.

Sir Guy Standing adds many heart throbs in a fine human characterization. Louise Dresser is a cameo as the mother superior. Evelyn Venable, the girl, has freshness and charm.

A prestige building and quality production, this one should please class trade and stir up talk. Thoughful showmen might even secure added box-office values by unusual exploitation.

Looking 'Em Over

"The Kennel Murder Case"

(*Warners*)

An intriguing mystery, well done and holding the interest throughout. Again Philo Vance comes to the fore, solving a unique mystery after the police give up the death of Robert Barrat as one of suicide. William Powell, as Vance, has his doubts about the decision reached in the case and sets out to solve it his own way, with the result that he gets his man after a perplexing investigation. The crime is unraveled intelligently.

Shortly after Barrat is killed, his brother, Frank Conroy, is also found murdered. Seven suspects become involved. They are Mary Astor, Paul Cavanaugh, Ralph Morgan, Helen Vinson, Jack La Rue, Arthur Hohl and a Chinese cook. The culprit turns out to be Morgan, secretary to the owner of the house, who killed him because he could not get his employer's permission to marry Miss Astor, niece of Barrat.

Comedy interludes are supplied by Eugene Pallette, who garnered a number of laughs at the Rialto last night. Other performers, as well as those listed above, do a workmanlike job.

"To the Last Man"

(*Paramount*)

This picture should not be sold merely as a "western." To do so, may cost the exhibitor admissions which could be attracted legitimately by emphasizing the dramatic, cast and story values which are there, and which, at the same time, need not cost him the patronage of his "western" fans. These latter are in for a pleasant surprise.

Based on a Zane Grey story, "To the Last Man" has more of the rough and tumble, outdoor riding and fighting action than the usual western. In addition, it has dramatic and romantic interest of a high order for this type of picture, together with a cast, direction and technical attention seldom found in action pictures. All performances, photography and settings are also commendable.

The story involves a family feud carried from the Kentucky hills to the western ranchlands; the efforts of one family to end the attendant killings and settle the feud bloodlessly by letting the law punish the aggressors; the failure of this procedure to work and its climax in a fight that resembles warfare in miniature. Mixed in with the feuding which is kept alive by Noah Beery, and the intrigue championed by Jack La Rue in his best villain's manner, is an interesting and dramatic love affair between Randolph Scott and Esther Ralston that is a part of, rather than incidental to the main story. Buster Crabbe is also in the cast.

Surprise to Feld

Reports indicating he had, or planned to, resign from Monarch Theatres were described by Milton H. Feld as a surprise to him yesterday. "I haven't been in town long enough to consider any such plan," he said.

Three-Way Passage

HOLLYWOOD, Oct. 26.—Samuel Goldwyn has given Willard Mack a three-year ticket calling for him to supervise, direct and write. Mack is now preparing the script for "Barbary Coast," which will be Anna Sten's second picture.

Heavy Competition Ahead in St. Louis

ST. LOUIS, Oct. 26.—Local film houses along Grand Boulevard and in the downtown district are in for a lot of competition during the next few weeks. Aside from the night clubs and a burlesque house and a stock dramatic troupe that recently got under way the film houses have virtually had the field to themselves since the summer amusement places folded up. But now the amusement map of the city is about to have a decided change.

The American will open its season with Cornelia Otis Skinner in a series of dramatic sketches on Nov. 6. The Shubert Rialto is to reopen with dramatic stock in a few weeks, While the Little Theatre has perfected plans for putting on three dramas before Christmas with six or more to follow early in 1934.

Uday Shan-Kerwill brings his company of singers and dancers from India into the Odeon on Nov. 14 to open the 10th season of the Civic Music League.

At the Sheldon Memorial Hall on Oct. 26 the Felix Slatkin recital takes place. The following night the Principie concert and lecture season opens with a recital by Jascha Heifetz. The Russian Symphonic Choir presents a program of Russian folk songs at the Y. W. H. A. Oct. 29. The Concordia Seminary Lyceum starts the season Oct. 27.

Evans Heads Variety Club in St. Louis

ST. LOUIS, Oct. 26.—Harold W. Evans, manager of Loew's State, is president of the recently-formed Variety Club of St. Louis. It is patterned after similar organizations in Pittsburgh and Columbus and its purposes are purely social.

Other officers are: George D. Tyson of Central Theatres Co., vice-president; John Baker, manager of the Missouri, secretary, and Alvin A. Wolff, an attorney, treasurer.

Cincy Variety Club Given Ohio Charter

CINCINNATI, Oct. 26.—Articles of incorporation have been filed at Columbus for the newly-organized Variety Club of Cincinnati. Club rooms will be established at one of the downtown hotels within a week, immediately following which election of permanent officers will be held.

This is the fourth club to be formed, and a movement is said to be under way to make the organization national in scope. The other clubs are located at Pittsburgh, St. Louis and Columbus.

Walter Gould Returns

Walter Gould, general manager for United Artists in Mexico, Panama and Porto Rico, who has been at the home office during the past few days, left for Mexico City yesterday.

H. J. Scherrer Buried

ST. LOUIS, Oct. 26.—Funeral services for Henry J. Scherrer, veteran exhibitor, were held at his home, 7 Crestwood Drive, Clayton. With his brother he owned some of the first film theatres in this city.

"Bowery" Up To $26,500, Big in Loop

CHICAGO, Oct. 26.—Straight picture houses scored the heavy takes of last week. "The Bowery" at the United Artists rocketed the gross at that house to the fine figure of $26,500—one of the high marks for this house for the year. Across the street at the Oriental "I'm No Angel" came through for $40,000 in its second week. This is exceptional second-week business.

B. & K.'s Chicago, with "Broadway to Hollywood" on the screen, and Fred Waring on the stage was down some $8,000 under last week to $52,000. RKO's Palace with "My Woman" on the screen and Guy Lombardo on the stage was strong at $25,500.

Total first run business was $166,000. Average is $120,000.

Estimated takings:

Week Ending Oct. 17:

"I'M NO ANGEL" (Para.)

ORIENTAL—(3,940), 30c-40c-60c, 2nd week, 7 days. **Gross:** $40,000. (Average, $23,000.)

"THE BOWERY" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $26,500. (Average, $17,000.)

Week Ending Oct. 19:

"BROADWAY TO HOLLYWOOD" (M-G-M)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Fred Waring and Pennsylvanians, Tom Waring, Rosemary & Priscilla Lane. **Gross:** $52,000. (Average, $34,600.)

"MY WOMAN" (Col.)

PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Guy Lombardo, Richey Craig, Jr., Walter Wahl. **Gross:** $25,500. (Average, $22,000.)

Week Ending Oct. 20:

"TOO MUCH HARMONY" (Para.)

McVICKERS—(2,284), 30c-40c-60c, 2nd week, 7 days. **Gross:** $12,500. (Average, $13,000.)

"CHARLIE CHAN'S GREATEST CASE" (Fox.)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $9,500. (verage, $11,000.)

New Union Blocked In Pittsburgh Move

PITTSBURGH, Oct. 26.—Efforts of the Independent M. P. Operators' Union, Inc., to organize here met with a setback when informations were sworn by local officials of the I. A. T. S. E. against three of the new organization's officers. They are William C. Littel, operator at the Idle Hour and president; Martin T. Joyce, treasurer and operator at the Novelty, and Daniel Gross, secretary and operator at the Roosevelt.

Officials of the new organization were charged with violating a state statute forbidding out-of-state corporation from doing business in Pennsylvania without first obtaining a permit.

Baer Contract Looms

HOLLYWOOD, Oct. 26.—Max Cantwell, Max Baer's trainer, has opened a boxing school on the M-G-M lot, which further indicates Baer will soon sign that term contract.

Radio Opens in Mexico

MEXICO CITY, D. F., Oct. 26.—RKO Radio Pictures has opened its own exchange here at 31 de Jose Azueta, with Luis Lezama in charge.

"Angel," "Bowery" in K. C. Biggest Take Since January

KANSAS CITY, Oct. 26.—The biggest aggregate gross since last January—$45,550 against an average $26,000—was rolled up by local first runs in a week that saw larger crowds downtown than in many moons. The reasons were "I'm No Angel" and "The Bowery." The first proved a box-office angel at the Newman, where the Mae West opus broke all attendance records and pulled $17,500, almost triple the normal take. This is tremendous business for the Newman. The picture was held a second stanza and may go a third.

Loew's Midland, with its 4,000-seat capacity, took top money with "The Bowery," which skyrocketed to $20,000, double average. Also on the bill was Walt Disney's "Three Little Pigs" in a return engagement, and the combination proved a great family attraction.

Against competition from the two successes, other showshops could hardly expect to do much. "The Power and the Glory" was a weak draw, the new-fangled "narratage" reported missing fire with the Uptown's patrons. This and "The Mayor of Hell," first Warner picture to play the Mainstreet this year, both slumped below the line.

Total first run business was $45,550. Average is $26,000.

Estimated takings:

Week Ending Oct. 18:

"I'M NO ANGEL" (Para.)

NEWMAN—(2,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $17,500. (Average, $6,000.)

Week Ending Oct. 19:

"THE MAYOR OF HELL" (Warners)

MAINSTREET—(3,049), 25c-40c, 7 days. **Gross:** $5,800. (Average, $7,000.)

Week Ending Oct. 20:

"THE BOWERY" (U. A.)

MIDLAND—(4,000), 25c, 7 days plus Saturday midnight show. ("Three Little Pigs," Silly Symphony, added attraction.) **Gross:** $20,000. (Average, $10,000.)

"THE POWER AND THE GLORY" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $2,250. (Average, $3,000.)

Warners Trying New Type Ticket Chopper

If tests of a new type ticket chopper now under way in Warner Broadway theatres prove the development to be proof against the latest form of "palming," the machine may be installed throughout the Warner circuit.

Developed by Ralph W. Budd, Warner personnel manager, the ticket machine will be placed in production and marketed by Continental Theatre Accessories, Warner subsidiary.

Interior compartments of the machine receive ticket stubs for any period of time secretly selected by the house manager. When the stub receptacle changes, the bix-office is advised by signal and the cashier notes the last ticket number. The serial number and time on the box office record are checked later against the stubs in the receptacle used during the corresponding time.

Mae Annoys Alderman

ST. LOUIS, Oct. 26.—Mae West's popularity has packed the Ambassador so steadily that Alderman Slade has introduced an ordinance prohibiting the sale of standing room. It is regarded as just possible that the measure might slip through.

Goldwyn Offices Moved

Headquarters of Samuel Goldwyn have been moved from the 12th to the eighth floor at 729 7th Ave. This now gives the U. A. publicity, advertising and exploitation department the whole of the 12th floor.

The Glazers Returning

LONDON, Oct. 26.—Benjamin Glazer and his wife, Sharon Lynn, will board the *Berengaria* on Nov. 4 for New York.

Moore Picture Set

Colleen Moore is set to appear in "Social Registrar" under direction of Marshall Neilan. Production at the Eastern Service Studio.

Fox, St. Louis, Heads For New Control

ST. LOUIS, Oct. 26.—With the St. Louis now under the Fanchon & Marco standard, Film Row is speculating what management will eventually land the Fox.

The receivers are said to have decided against putting in additional money, even if they had it, and so it is almost certain that a deal will be swung for some one to take over the house. Skouras Brothers seem to have the odds thrown their way.

"Angel" Piling Up New Denver Records

DENVER, Oct. 26.—"I'm No Angel" is having more consistent holdouts and turnaways than any film that has ever played here. Ropes have been up a number of days from noon until 11 o'clock at night.

The first week's gross, $16,000, was a record. It was held over. The demand for seats forced two midnight shows and the house has been opened two hours earlier daily.

Atlanta Sunday Is Opened by Council

ATLANTA, Oct. 26.—By a vote of 20 to 15, the City Council has repealed the ordinance forbidding Sunday amusements—theatre operation, baseball, football, etc. This followed a citywide 2-1 vote for an open town.

However, a state law will have to be repealed before the change will be effective locally. Theatre managers have made no effort to take advantage of the liberalization as yet, a difference of opinion existing as to whether Sunday operation will be profitable.

Plan An Alaskan Film

HOLLYWOOD, Oct. 26.—John Barrymore and Ernest Schoedsack are forming a company to make an adventure picture around Kodiak bears in Alaska. They will finance independently with Radio having the first option for release.

"Bowery" Is $21,000 Hit, Los Angeles

HOLLYWOOD, Oct. 26.—"The Bowery" sent the United Artists skyrocketing to $21,000 last week. With the 40-cent top prevailing in this house, the business is regarded as remarkable.

"I'm No Angel" reached $30,800 at Grauman's Chinese in its first week. Business elsewhere was nothing to get excited about. "Charlie Chan's Greatest Case" reached $4,800 at the Orpheum, but elsewhere the takes were at or below normal.

Total first run business was $122,200. Average is $90,750.

Estimated takings for the week ending Oct. 18:

"I'M NO ANGEL" (Para.)

CHINESE—(2,500), 50c-$1.65, 7 days. Sid Grauman show; prologue. **Gross:** $30,800. (Average, $14,000.)

"MY WEAKNESS" (Fox)

LOEW'S STATE—(2,415), 25c-40c, 7 days. Stage show, Ed Lowry and his band. **Gross:** $13,900. (Average, $14,000.)

"TILLIE AND GUS" (Para.)

PARAMOUNT—(3,598), 25c-40c, 7 days. Stage: Rubinoff. **Gross:** $15,500. (Average, $18,000.)

"LADY FOR A DAY" (Col.)

RKO—(2,700), 25c-40c, 3rd week, 7 days. **Gross:** $5,200. (Average, $8,000.)

"WILD BOYS OF THE ROAD" (F. N.)

WARNER BROS. (Hollywood)—(5,000), 25c-55c, 7 days. Teddy Joyce and his orchestra, stage show. **Gross:** $11,000. (Average, $14,000.)

"WILD BOYS OF THE ROAD" (F. N.)

WARNER BROS. (Downtown)—(3,400), 25c-55c, 7 days. Billy Snyder and his band, stage show. **Gross:** $12,000. (Average, $12,000.)

"RED HEAD" (H. Bregstein)

FILMARTE—(890), 40c-50c, 5th week, 7 days. **Gross:** $2,250.

"THE MASQUERADER" (U. A.)

CRITERION—(1,610), 25c-55c, 8th week, 7 days. **Gross:** $1,950. (Average, $2,800.)

"THIS THING CALLED LOVE" (RKO Pathe)

"JACK-O-LANTERN" (State Rights)

LOS ANGELES—(3,000), 15c-25c, 7 days. **Gross:** $3,800. (Average, $3,700.)

"CHARLIE CHAN'S GREATEST CASE" (Fox)

ORPHEUM—(2,200), 25c-35c, 7 days. Ten acts vaudeville. **Gross:** $4,800. (Average, $4,250.)

"THE BOWERY" (U. A.)

UNITED ARTISTS—(2,100), 25c-40c, 7 days. Sid Grauman prologue. **Gross:** $21,000.

University Putting Out Film Programs

MADISON, Oct. 26.—The town without a motion picture, the theatre without adequate programs, and the school or club desiring to show films for community recreation are now being served with standard two-hour programs of films by the University of Wisconsin extension division.

The extension bureau of visual instruction has announced it is furnishing film programs singly or in courses of six weekly showings, each including a five-reel feature, a two-reel comedy and a one-reel travelogue or educational film.

FWC Books "Redhead"

LOS ANGELES, Oct. 26.—Fox West Coast has booked "Redhead," French talker, following its run at the Filmarte, Hollywood.

This is an infrequent instance where a major circuit has booked an out-and-out "art" film.

CAUGHT WITH HIS PANTS SHORT! Like Napoleon at Waterloo, Groucho fails to protect his rear, and loses his seat as Dictator of Fredonia, in Paramount's battle of "Duck Soup."

MARX BROTHERS

in *Paramount's*

"DUCK SOUP"

Directed by

LEO McCAREY

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 101 NEW YORK, SATURDAY, OCTOBER 28, 1933 TEN CENTS

Code Signing Is Again Delayed; Fines May Go

Zukor Tells Of Friction In Paramount

Kent, Katz Disagreed; Hertz Sought Power

Adolph Zukor took the stand yesterday at an adjourned meeting of Paramount Publix creditors in the offices of Henry K. Davis, referee in bankruptcy, and recited in the course of four hours of testimony what he described as the "highlights" of a series of events involving the successive resignations from high Paramount posts of Jesse L. Lasky, Sidney R. Kent, Sam Katz, B. P. Schulberg and John Hertz.

Adolph Zukor

Showing traces of the physical effects of his recent illness that kept him in a Hollywood hospital for several weeks, Zukor, nevertheless, was at ease on the stand throughout the long session, meeting the questions concerning Paramount affairs put to him by Samuel S. Isseks, counsel for the Paramount trustees, and Saul E. Rogers, counsel for a Paramount bondholders' committee, at whose request Zukor was placed on the stand yesterday, with a disarming frankness

(*Continued on page 3*)

John Hertz Joins Lehman Bros. Mon.

John Hertz, former chairman of the Paramount finance committee, begins an association Monday with Lehman Bros., downtown bankers, formerly associated with RKO financing, it was revealed yesterday.

Hertz has already established permanent offices at the bank and arrives from Chicago, his home city, this

(*Continued on page 4*)

Grainger Back with Optimistic Reports

James R. Grainger, general sales manager of Universal, yesterday returned to New York from a cross-

(*Continued on page 2*)

All Majors, Except U. A., Said to Have Signed Code

All the major companies with the reported exception of United Artists have signed the industry's tentative code and the signatures, held in escrow pending formal approval by the President, were deposited with Deputy Administrator Sol A. Rosenblatt by Will Hays in Washington Thursday.

In view of Joseph M. Schenck's objection to Article 5—the clause dealing with open negotiations for

(*Continued on page 2*)

Thompson Put In Charge of RKO Theatres

Major L. N. Thompson, in charge of Trans-Lux theatres for some time past, yesterday was put in control of the RKO theatre operations as assistant to J. R. McDonough, who took over the RKO theatre presidencies following the resignation of Harold B. Franklin. Nate J. Blumberg, who successfully operated RKO theatres in the middle west, now becomes general manager in charge of theatre operations.

Phil Reisman, who was aide to Franklin and had charge of film buying and vaudeville booking, has resigned from theatre operations, and

(*Continued on page 4*)

Under His Skin?

Washington, Oct. 27.—Complexities which those engaged in the industry have known existed for some years were recognized by General Hugh S. Johnson today when he described the film code as the "most complex" he has had presented to him so far.

Added to the distinctions of the film code as well is the fact, made apparent today, that the draft is the first and only code which is regarded by the NRA as covering all trade practices. Impression that the oil code did this now has been dissipated.

Blames Subsequents For K. C. Price Cut

Reduction of admission prices at the Midland, Loew house in Kansas City, developed as a result of the practices indulged by the subsequent runs in that city, stated E. A. Schiller yesterday. "We have no desire to force them out of business, but we reserve the right to continue ourselves," he said.

Settlement of the situation which has had Kansas City independents in a stew is on the way, as reported in Motion Picture Daily yesterday,

(*Continued on page 2*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Invisible Man"

(*Universal*)

Hollywood, Oct. 27.—"The Invisible Man" is a showman's show. It is out-of-the-ordinary entertainment and should be an outstanding money-maker for Universal and exhibitors.

In all departments—mystery, melodrama, freshness of idea, eerie thrills, suspense, fantastic mental quirks, laughs and sheer physical action—"The Invisible Man" is probably a better production than

(*Continued on page 4*)

Document Placed Before Gen. H. S. Johnson For His Study

Washington, Oct. 27.—Objections, undefined, to the code in its present form today kept the document out of the White House. It is expected that the Presidential signature, set for earlier in the week, will not be affixed now until Wednesday.

There is no certainty about this, however. Today, 15 minutes after General Hugh S. Johnson stated he had not seen the code, it was dropped on his desk in the Department of Commerce Building. Shortly after that, Deputy NRA Administrator Sol A. Rosenblatt who did the dropping, prepared to leave for Atlanta where he is scheduled to make an address before the convention of the Southeastern Theatre Owners' Ass'n on Monday.

The possibility loomed tonight that the penalty clause imposing cash fines up to $10,000 on employers who are regarded as fostering and fomenting unreasonable salaries will not appear in the code as approved by the President. It was stated at the White House this afternoon that the President has not seen this clause, although, of course, he is thoroughly conversant

(*Continued on page 2*)

Kane to Produce for Fox on 2 Continents

Robert T. Kane will produce pictures on two continents for Fox and will henceforth divide his time between Hollywood and Paris.

He leaves for the coast with George White in two weeks to start the first "George White Scandals." Following this he will place before the cameras the first Erik Charell picture, a musical extravaganza by the director of "Congress Dances."

Currently two pictures are being produced in France under supervision

(*Continued on page 2*)

Stiff Censorship Sought in Kansas

Topeka, Kan., Oct. 27.—Rigid film censorship would be instituted by the State censor board under a proposal submitted to the Kansas legislative council by Representative C. H. Palmer. Under the measure the censors would classify films into five

(*Continued on page 2*)

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Code Signing Again Held up; Fines May Go

(*Continued from page* 1)

with the situation through his discussions some weeks ago with Rosenblatt and his contacts with outsiders.

The reasons why Roosevelt himself probably will remove the penalty clause are viewed as threefold:

In the first instance, inclusion of it in the code might be considered class legislation and place the Administration in the position of centering an attack on high salaries on the film industry alone.

Secondly, and while it is not believed any individual or group in the industry might launch a contesting legal action, the Administration is declared anxious not to entertain even the possibility of such a step in a question so delicate as salary control. There is a serious doubt, also, if a question such as this has proper place in any code under the NRA.

Thirdly, the President is known to have in mind legislation curbing high salaries in all industries. This is scheduled to take place when Congress convenes in January. While elimination of the much-discussed penalty provision in the film code, therefore, seems inevitable by direct action of the President, it is also considered extremely likely that he will call upon the Federal Trade Commission to extend its present investigation which covers salaries of executives and corporation directors right down the line.

Despite this, the legal division of the NRA is understood to have approved the code in its entirety, including the penalty clause.

Few Changes Coming

Few, if any changes, are in sight for the code. The third NRA revision is confidently expected to be the document which will be enacted into law. Strengthening this belief is the fact that the legal division has given general approval of the code as it now stands and is reported to have commended Rosenblatt highly for the manner in which he has handled the code-formulating conferences.

Johnson admitted today he had seen the code five or six times. Coupled with that statement was one in which he said he was not satisfied with it. Asked at a press interview if he had received protests from exhibitors in Chicago and pressed as to what he proposed doing about them, he replied the complaints had been lodged but that he had been unable to do anything about them because of Rosenblatt's illness. The deputy has a cold.

The administrator was asked later what was holding up the code in view of the fact the public hearings on it terminated over a month ago. In reply, Johnson said that it was in a very "fluid" state; that he didn't know what was holding it up except to modify his answer by declaring various delegations had been in to see him bringing new ideas with each visit.

Admitting the code did not satisfy him and pointing out he had sent it back for revision, the administrator declined to specify objectionable clauses and remarked he "would rather not discuss them."

Code Reported Signed by All, U. A. Excepted

(*Continued from page* 1)

stars—United Artists is reported to have held out. Efforts to reach Al Lichtman for a statement yesterday proved unavailing.

WASHINGTON, Oct. 27.—"Hundreds" of signatures to the code, which remains in its third revised form, aside from minor changes effected for purposes of clarification, are understood to be on file in Deputy NRA Administrator Sol A. Rosenblatt's office.

Signatories include the M.P.T.O.A., claiming 4,000 members; the M.P.T.O. of Eastern Missouri and Southern Illinois, with 200 members; Independent Theatre Owners of Southern California, with 250 to 300 members, and the M.P.T.O. of Arkansas, Mississippi and Tennessee, 175.

These exhibitor units are all affiliated with the national M.P.T.O.A.

HOLLYWOOD, Oct. 27.—Joseph M. Schenck today said: "I have not as yet read the code since I have not seen a copy of it. Naturally I cannot sign the code until I see it and read it."

Allied Hits Deputy In Code Statement

WASHINGTON, Oct. 27.—Determination of independent exhibitors to probe to the bottom what they allege to be the failure of Deputy NRA Administrator Sol A. Rosenblatt to give them a code more favorable to them was voiced today in a statement issued from Allied States headquarters in which it was charged that the deputy was "attempting to make a personal matter of the proposed code" and had not given the proper attention to matters concerning exhibitors.

Rosenblatt's threat to investigate recent telegraphic protests to the code would be met by investigation of his own activities, the statement asserted. The deputy is charged with having criticized the independents' announcement they would employ outside counsel not heretofore connected with the industry, while allegedly failing to protest against employment by majors of counsel long connected with film activities. He is also criticized for having allegedly permitted a representative of the Hays office to be in his office and attend conferences with the press.

Federation to Meet

Members of the Federation of the M. P. Industry will hold a special session at the Park Central next Tuesday evening. Discussions of the industry code will be the topic for the evening.

MacVeigh Joins Agency

HOLLYWOOD, Oct. 27.—Blake MacVeigh of the Paramount publicity department resigns Saturday to go to New York, where he will join a prominent advertising agency.

Kane to Produce for Fox on 2 Continents

(*Continued from page* 1)

of Erich Pommer as part of Kane's activities. These are the French versions of "Liliom," directed by Fritz Lang, with Charles Boyer, French star, in the leading role; and an untitled picture in French starring Henri Garat and Lily Damita.

Following these two French productions Kane is preparing to make a multi-lingual version of "Music in the Air" abroad, to star Lilian Harvey and an American cast.

Kane, for years, was identified with Paramount and has also produced his own pictures. Before joining Fox he was in charge of Paramount production in Paris.

Blames Subsequents For K. C. Price Cut

(*Continued from page* 1)

with decision on Loew's part to increase Midland admissions from 25 to 35 cents, effective Nov. 10. Schiller stated he has agreed to do this provided the subsequent runs drop "certain of their practices."

It is believed he refers to dual features, shown in some theatres as low as 15 cents; two-for-ones and giveaways.

Grainger Back With Optimistic Reports

(*Continued from page* 1)

country trip, bringing with him a story of optimism.

"Conditions are improving and, while not perhaps as much as may have been expected, they are definitely on the plus side. This is particularly true of the Pacific Coast," he said.

He visited eight key cities as far west as San Francisco.

Purely Personal

SOL LESSER expects to return from his European trip within the next few weeks, planning to be on the coast by Christmas.

JOE HENABERY will direct a "Pepperpot" novelty featuring EDGAR BERGEN, ventriloquist, for Vitaphone, starting next Thursday.

CHARLES L. O'REILLY, president of the T.O.C.C., has returned to his desk, but has not fully recovered from a severe cold.

EDDIE GRAINGER, FELIX JENKINS and CLARENCE HILL did their lunching at the 57th Street Schrafft's yesterday.

GWEN HELLER of Warners' advertising and publicity department leaves for the coast for four weeks.

LOU LUSTY has returned to Columbia coast studios where he is in charge of the trailer department.

JULES RUBEN of Great States Theatres in Chicago is in town on product buys.

NORMA TERRIS and her husband visited the Vitaphone Studio yesterday.

HOWARD WAUGH, Warner Memphis manager, is in town for a week.

BOB KANE is confined to his hotel with a heavy cold.

Stiff Censorship Sought in Kansas

(*Continued from page* 1)

groups, designated as A, B, C, D and E, according to their morality.

Children under eight would be excluded from pictures in categories D and E. Class D would include films having to do with horror, "obnoxious" tragedy, saloons, speakeasies and racketeering, while E films would include those with bedroom scenes, suggestive remarks and situations, questionable jokes and indecent exposure. The measure provided for fines and jail sentences for violations.

The council did not indicate whether it would draft these proposals into a bill to be introduced at a special session of the Kansas legislature on Oct. 30. It is understood the council's action will be governed by Governor Landon's wishes. The industry plans to fight the proposal.

Protest Block Booking

Protests against block booking on the ground that individual exhibitors can dodge responsibility for showing undesirable pictures have been signed and forwarded to President Roosevelt by President Emeritus Lowell of Harvard, Mrs. Calvin Coolidge and 250 other members of the M. P. Research Council.

Hold Up "Cradle Song"

Originally scheduled to follow Mae West in "I'm No Angel" at the Paramount, "Cradle Song" is now being considered as a two-a-day attraction for the Criterion. Maurice Chevalier in "The Way to Love," follows the West film into the Paramount in about two weeks.

Zukor Tells Of Friction In Paramount

(*Continued from page* 1)

and directness that frequently approached the naive. At other times, under the seemingly confused questioning of Samuel Zirn, counsel for a group of bondholders, that was replete with insinuations of intrigue and charges of "mismanagement" of Paramount affairs during the three-year period preceding the company's bankruptcy, Zukor showed a ready wit that more than matched his inquisitor's, at the same time nullifying Zirn's insinuations with directness and an air of genuine amusement.

Zukor's testimony served, for the most part, to fill in the blank spaces regarding the personal and intimate details of executive discord in Paramount from 1931 to 1933, and the establishing of such financial contacts as the company's original association with the banking firm of Kuhn, Loeb & Co., and, last year, with Hertz, Chicago financier, which Austin Keough, Paramount general counsel, and Ralph A. Kohn, former Paramount treasurer, hinted at in earlier testimony before the bankruptcy referee, but which remained incomplete because of its "hearsay" nature. It remained for Zukor, who witnessed events which were more personal than corporate on some occasions, to supply what was missing from the record now very nearly complete.

Zukor Tells His Story

His mood on the stand was almost changeless. He was dispassionate, frequently detached, occasionally amused, but at no time gave any indication of emotion as attorneys drew from him the story of his first association with the amusement industry, 30 years ago as the operator of a penny arcade, to the upbuilding of the international Paramount organization and the bankruptcy of last January.

Even in his recitation of the executive rivalries and ambitions of the men he worked with, which led to their resignations because the situations they reflected threatened the security of the entire Paramount organization, Zukor was resigned and unmoved. It was easy to imagine the regret Zukor may have felt at Kent's resignation; or the determination behind his refusal to permit Hertz, with his limited knowledge of the industry, to assume the post of authority over Paramount production he desired, but neither was put into words.

"Kent and Katz didn't get along," was the way Zukor put it. "It started with disagreements over business policies and eventually became personal. It got so bad that we felt it might possibly result in the deterioration of the entire organization. It was apparent that it was to the company's best interests that an end be put to the situation. Kent was regarded as the one most likely to agree to step out in the interests of the company. Hertz negotiated a settlement with him. I didn't like to lose Kent," Zukor added. "He had been my right hand man for 15 years. The conflict between him and Katz was begun, as I recollect, over the playing and selling terms of our pictures—even in our own houses.

"As business got worse, the situation between them came to an impasse. They were at loggerheads. When anything went wrong, one was always right and the other at fault."

Lasky "Just Stepped Out"

Questioning concerning Lasky's "resignation" elicited the remark from Zukor that he "didn't know that Lasky had ever tendered a resignation. He just stepped out of the company."

Zukor said that early in 1932 the company believed the "production department was spending too much money—pictures didn't measure up to their cost. We wanted to investigate the studio situation," he continued, "but were afraid it might embarrass Lasky, so we asked him to take a three months' vacation and then went ahead with the investigation. As a result of that we made some changes and Lasky subsequently stepped out."

"And you put Emanuel Cohen in charge?" Rogers asked.

"Cohen had been sent out to make the studio check-up," Zukor replied. "After a few months he asked me to go out there. I went and checked his findings and discovered them to be correct and sound. Then I placed him in charge of the studio."

"Prior to that his only production experience had been the Paramount newsreel?" Rogers asked.

"That, and the production of our short subjects."

Schulberg Pact Settled

Shortly after, Zukor testified, B. P. Schulberg's contract was settled for $300,000. It developed that he was paid $200,000 of this amount and the balance was cancelled by later agreement.

"Was that because you gave Schulberg a new contract as a unit producer?" Rogers inquired.

"It may have been," was Zukor's answer.

Following Lasky's "resignation" and the settlement of Schulberg's contract, there began a series of efforts to assume charge of production that continued up to the time of the Paramount bankruptcy and resulted directly in Hertz's resignation, Zukor's testimony revealed.

First, Katz became interested in production and spent several months on the coast assisting Cohen in getting the studio "back in shape," Zukor said. "For some time we had been advocating decentralization in all departments. Katz was against it, and that resulted in his resignation."

Then Hertz, whom Zukor said he had first met during negotiations for purchase of the Balaban & Katz circuit in Chicago, became interested in an executive production post.

"Hertz was to be the business guide between the studio and New York," Zukor remarked.

"Whose suggestion was that?" he was asked.

"His own," Zukor replied without any show of amusement.

"But you felt that his experience was too limited for that post and, having the courage of your convictions, you stood your ground with the result that Hertz resigned. Is that it?" Rogers asked.

"It struck me like that," Zukor answered, again without a trace of amusement.

Hertz Wanted Control

Pressed further for details of Hertz's resignation, Zukor had difficulty in choosing what he felt to be the right words.

"Hertz assumed," he began, and broke off, "tried to be——," he hesitated. "I don't know how to put it," he said, "but he wanted to run the studio and tell them what to make and how to make it, and also wanted to run the advertising department. I believed a man who had been in the business for so little time wasn't qualified, and this led to his resignation."

Questioned by Rogers, Zukor denied that he had known of publicity calculated to create the impression that Hertz was devoting his time to Paramouunt without compensation, and also denied that he had heard Hertz make such a statement.

It was brought out by Rogers that Hertz had been proposed for the post of chairman of the finance committee by Otto Kahn of Kuhn, Loeb & Co., although Rogers declared that Paramount, at that time, had no obligation to the bank.

"I don't know about that," Zukor replied. "They may have held stock. The condition of the company may have warranted it, too."

"You knew Hertz didn't have practical operating experience in the business?" Rogers asked.

"Yes."

"Then what did you have in mind as duties for him when he came into the company?"

"The chairmanship of the finance committee and general work on the refunding and reorganizing of the financial structure. Nothing beyond that."

Hertz Salary $96,000

Zukor related that he had arranged Hertz's contract and that his salary, approximately $96,000 per year, was the result of negotiations between them.

Earlier testimony revealed that Paramount had been "privately financed," at least, required no outside financing, up to 1919, when the company first entered exhibition. The first stock issue resulted, and was handled by Kuhn, Loeb & Co.

Asked how he had happened to select that bank, Zukor replied, "I knew Felix Kahn through Rialto theatre affairs, and through him I met Otto Kahn. I didn't know any other bankers," he added.

He recalled various bond issues floated thereafter for theatre and general expansion up to 1930, when the $15,200,000 loan was negotiated "to pay off maturing bank loans and other commitments," that has since been identified with some of the company's major financial difficulties.

"In 1931 and 1932 various banks with unsecured loans began to press the company for payment?" Rogers inquired.

"As far as know," Zukor replied. "We were not pressed for payment in 1931 or early 1932, or threatened to have new loans or renewals shut off. The first inkling I had that the bank situation was not right was when one of the banks refused to renew a note. I don't recall which bank it was or what the date was. Hertz and Kohn then began to work on plans to reorganize our finances and get new money to complete our pictures in production at the time, which represented millions."

Form Film Productions

The result of these plans was the organization of Film Productions Corp., which pledged 23 negatives as collateral on new notes issued by 12 banks. This deal is now under attack by the Paramount trustees on the ground that it constituted a preference.

Asked if he knew the transaction constituted a lien on the negatives, Zukor declared that he did not and added that if he had, he would have "fought it."

"But I knew because of the situation which existed that the banks were getting some preference," Zukor said. "But what it was," he commented, "was up to the legal department to determine."

"But you knew the banks did have a preference?" Rogers persisted.

"The contract speaks for itself," was the reply.

It was recorded that Paramount's 1931 bank indebtedness of $7,500,000 had increased to $9,600,000 the following year, at which time, Zukor testified, Hertz and Kohn began their negotiations with the 12 banks, the details of which Zukor said, he did not know.

Zukor said that the creation in November, 1932, of new subsidiary companies, such as Paramount Productions, Paramount Pictures Distributing Corp., Paramount International and others, and the transfer of assets to them, "was part of the plan to decentralize the company everywhere and was conceived months before."

Pressed for an opinion as to whether or not Paramount might have acquired theatres during 1929, '30 and '31 by issuing new stock instead of the agreements calling for repurchase

(*Continued on page* 4)

Owns 100,000 Shares

Adolph Zukor, testifying at a Paramount bankruptcy hearing before Referee Henry K. Davis yesterday, said that he owned 100,000 shares of Paramount stock just prior to the company's bankruptcy.

Asked by Attorney Samuel Zirn if any of this was pledged with creditor banks of the company at the time, Zukor replied he "didn't recall."

"But," the creditors' attorney persisted, "wasn't it worth several millions and selling at $70 a share then?"

"Whenever it was selling at 70 it was worth seven millions," Zukor replied laconically.

Resent Davis Remark

A remark by Referee Henry K. Davis that officers of Paramount probably had acted "in good faith and honestly" in voting bonus contracts aggregating several millions for Adolph Zukor, Sidney Kent, Sam Katz, Jesse Lasky and Ralph Kohn for the five years from 1927 to 1932, drew objections from creditors' attorneys yesterday.

Saul Rogers, counsel for a Paramount bondholders' group, asked that the referee's opinion be stricken from the record. Referee Davis concurred, but it developed that the official stenographer had not taken down the remark.

Thompson Put In Charge of RKO Theatres

(Continued from page 1)

has been made general foreign sales manager for RKO Radio Pictures, Inc., under N. E. Depinet, vice-president. John O'Connor, who was assistant to Reisman on film buying, takes over those duties.

A. E. Reoch continues in charge of real estate for RKO theatres. Construction and maintenance are included in this department.

Both Major Thompson and Reoch will report directly to McDonough.

Reisman's appointment as general foreign sales manager does not affect the status of Ambrose Dowling, who is in South America on company business, it was stated.

Zukor Describes Friction in Para.

(Continued from page 3)

of existing stock at $85 per share, such as were used, Zukor replied that at the time the company's prospects were "so good" that it was felt that there was "no risk" involved in using the repurchase agreements.

"Besides," he said, "if we had issued new stock it would have seriously depressed the prevailing market."

Zirn's examination of Zukor was confined to the closing hour. The attorney said he had waited six months for the opportunity to question the Paramount head, but his line of inquiry was ruled out of order or "immaterial" so frequently that he elicited no new information of importance through his examination.

Zirn inquired whether Zukor "had been in any meeting with Judge Bondy of the U. S. District court prior to the Paramount receivership at which Judge Bondy agreed to make you (Zukor) and Charles D. Hilles equity receivers."

The question, which was ruled out by Referee Davis as immaterial, referred to reports that the Paramount receivership of last January materialized at a closed hearing in Judge Bondy's chambers.

Zirn asked that Hertz and Robert T. Swaine, of Cravath, De Gersdorff, Swaine & Wood, Paramount counsel, be produced for examination at the next session, Nov. 10.

John Hertz Joins Lehman Bros. Mon.

(Continued from page 1)

week-end to occupy them. Requests that Hertz be placed on the stand for examination in connection with Paramount bankruptcy proceedings have been made by Saul E. Rogers and Samuel Zirn, attorneys for Paramount bondholders' committees, and a request for his appearance at the next creditors' meeting, Nov. 10, has already been sent Hertz by attorneys for the Paramount trustees. Rogers indicated yesterday that in the event Hertz did not heed the request he would seek to have the former Paramount executive subpoenaed.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 1)

"Frankenstein" or "Dracula" and easily may do bigger business at box-offices.

The central story is a situation highly imaginative. A scientist perfects a method of making himself invisible by chemical injection, but is unable to discover the formula returning him to visibility. Facing this dilemma, he goes mad.

Frightful, even dreadful in conception, the film is kept believable and entertaining all the way. James Whales' direction creates and holds the illusion, carrying the excitement to well-timed climaxes. Adapted from a story by H. G. Wells, the screen play by R. C. Sherriff deserves special mention for plot, realism and convincing dialogue.

Acting honors go to Claude Rains, whose face is never seen except in one shot, but who dominates by personality and voice alone. The supporting cast, including William Harrigan, Gloria Stuart, Dudley Digges, Una O'Connor and Henry Travers, is topnotch.

Technical effects, photography and production values are distinctly original. "The Invisible Man" is gripping entertainment, exploitable and good for all types of houses.

Looking 'Em Over

"Meet the Baron"

(M-G-M)

If Jack Pearl's first film venture holds up the way it started at the Capitol and pulls in the small towns the same way, M-G-M will have something to give three cheers and a couple of banzais over. Rudy Vallee was on the stage and he is no mean draw, but the audience gave every sign of enjoying the baron's adventures from start to finish.

With five names—Pearl, Jimmy Durante, Zasu Pitts, Edna May Oliver and Ted Healy—to help sell first night audiences, exhibitors have nothing to worry about from that angle. In addition, it has a well knit story to hold the Munchausen exploits together, and the producer has dressed it up with a flock of good-looking girls and some snappy incidental music.

Pearl and Durante are deserted in a jungle without water by the real Baron Munchausen (Henry Kolker). Their rescue is followed by a Lindbergh reception in New York, some typical Pearl broadcasting, after which they are called upon to lecture at Cuddle College, a girls' institution headed by Edna May Oliver. Healy and his stooges are the janitor and plumbers. Pearl develops a romance with Zasu Pitts at the college. In this sequence a shower bath sequence is put on in musical comedy manner and Healy puts over some grand gags. A scene between Pearl and Miss Pitts in an icebox is a riot.

In the end the real baron shows up and Pearl and Durante leave the college in disgrace, but on the way back to the city they are signed up for another broadcast. It's a smart job all around.

"Love, Honor and Oh, Baby!"

(Universal)

More of the Slim Summerville-Zasu Pitts comedy in which the ever-bashful Summerville takes the part of an ambitious attorney out to make a name for himself and enough money so that he can marry Miss Pitts after being engaged to her for six years. Their experiences yesterday caused plenty of laughs at the Old Roxy.

In an effort to grab off some easy money needed for her marriage, Miss Pitts becomes involved in an affair with her employer, George Barbier, which winds up at her home when she spills a jar of honey on his suit and both are caught partly disrobed by her parents. Summerville fakes a rain scene which later becomes the deciding factor in a breach of promise suit filed by Miss Pitts.

When the case is heard, Barbier insists it was raining that evening, and Summerville, defending his future wife, proves by the records that it didn't. Verree Teasdale, Pitts' sister, double crosses the family on the witness stand, and when she insists it was raining that eventful evening she unknowingly makes the case stronger for her sister. As a result Miss Pitts wins the $100,000 suit, which even surprises her future husband.

Donald Meek and Lucille Gleason do good work as Miss Pitts' parents, while Purnell Pratt, Adrienne Dore, Dorothy Grainger and Henry Kolker also contribute uniformly nice performances.

Hollywood Personals

Hollywood, Oct. 27

CHARLES McDONALD, who has been on the coast for the last two years, is recovering from a serious operation at his home in Hollywood.

JOE E. BROWN has been made a member of the A. A. U. tribunal which will select the country's outstanding athlete for award of the James E. Sullivan Cup.

RUBY KEELER arrives in Hollywood Sunday to begin work in "Sweethearts Forever" (Warners).

Laemmle to Coast Today

Carl Laemmle leaves for the coast today. The producer is departing with the announcement that Universal has decided to make four pictures with Jan Kiepura, the continental singer, in Universal City instead of in Paris as originally planned. Laemmle will visit the World Fair in Chicago on his way west.

"Angel" Does $68,200

"I'm No Angel" finished its second week at the Paramount last night with a $68,200 gross. This is only $1,800 under the anticipated $70,000.

At the Paramount, Newark, the same picture broke the house record with $30,000 for the week. Next highest gross was $24,000.

Sells Foreign Film

Arthur Ziehm of General Foreign Sales Corp. has sold to Educational the Viennese short film, "A Stroll Thru Vienna."

Managers End Meeting

A two-day meeting of all Warner theatre zone managers called here by Joseph Bernhard, general manager, ended yesterday.

Irwin Heads Authors

Will Irwin has been elected president of the Authors' Guild of the Authors' League of America.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 102 NEW YORK, MONDAY, OCTOBER 30, 1933 TEN CENTS

Allied Bases Campaign on Chicago Meet

Membership and Finance Drive Is Under Way

WASHINGTON, Oct. 29.—That Allied proposes to convert results of its recent code mass meeting in Chicago into a membership campaign was made clear yesterday with the statement in a bulletin issued at Allied headquarters here that the managing committee appointed at the meeting "will enlist the cooperation of independent exhibitors not affiliated with Allied with a view to bringing them into the fold of a new and more effective Allied Ass'n."

"In territories where leadership has fallen down," the bulletin continued, "the exhibitors will be acquainted with the facts and they will be given encouragement and assistance in rebuilding their organizations along sound and ethical lines."

Relating that the Chicago meeting directed the Allied management committee to "fight for a fair code and a

(Continued on page 6)

Libson May Go Into RKO Midwest Board

CINCINNATI, Oct. 29.—That Ike Libson and Ben L. Heidingsfeld, an attorney and associate of Libson, are slated for berths on the board of directors of the RKO Midwest Corp. is currently reported here, although official confirmation is lacking.

The RKO Midwest bondholders are entitled to elect two additional members to the board in accordance with an agreement entered into with

(Continued on page 6)

Report Dix-M-G-M Dicker on Contract

HOLLYWOOD, Oct. 29.—Richard Dix and M-G-M are reported to be getting together on a long term contract.

Dix recently finished "Forever Faithful" on the M-G-M lot on a loan from Radio, where he has one more picture to make under his present contract.

Missouri Sales Tax Meeting Opposition

JEFFERSON CITY, Mo., Oct. 29.—Indications are that Gov. Guy B. Park's recommendation for a general sales tax will not have clear sailing in the Missouri legislature, now in special session. While it is expected a one

(Continued on page 6)

Trustees Ask Check on All Para. Funds

Want to Control Spending Of the Subsidiaries

A plan to effect a careful check on all expenditures of the active Paramount Publix subsidiaries by bringing them under closer control of the parent company's trustees in bankruptcy is incorporated in the third report of the trustees filed Saturday with Referee Henry K. Davis.

The plan, describing the distribution and home office expenditures as "fairly uniform," appears to be directed principally at Hollywood and contemplates not only the trustees' approval of all budgets, but an apportioning of cash to the subsidiary companies only as required by them and approved by the trustees. Under the plan, all checks in excess of $1,000 paid out by a sub-

(Continued on page 8)

Report Para. Cash Totals $2,074,480

Revealing the continued improvement of Paramount's financial situation, Trustees Charles D. Hilles, Eugene W. Leake and Charles E. Richardson report $2,074,480 cash in banks as of Sept. 29, in their third report filed Saturday with Henry K. Davis, referee in bankruptcy for Paramount Publix.

Receipts, mostly from distribution, during the period from July 10 to

(Continued on page 8)

Schenck Enthused by Pickup in Theatres

HOLLYWOOD, Oct. 29.—Enthused over a decided upturn in theatre attendance, Nicholas M. Schenck arrived here for studio conferences accompanied by E. B. Hatrick and Leopold Friedman. Schenck said he is much encouraged with the way business is picking up all over the country.

"The theatrical business and the legitimate theatre in particular," he said, "are enjoying the good business they did two years ago. The film business shows every indication of continuing to improve."

Schenck is here for general studio conferences on future policy and product, while Hatrick is here in the interest of Cosmopolitan Productions and to make final preparations for the filming of Marion Davies' next starring picture, "Operative 13."

First at Music Hall

"Only Yesterday," all-star special over which Universal is pepped to the hilt, goes into the Music Hall, Nov. 9. This is the first "U" to play the big 6th Ave. theatre.

Local 306 Submits Terms to the ITOA

After flatly rejecting the I.T.O.A.'s wage scale proposition, Local 306 has submitted a special proposal to the exhibitor organization. The scales cover complete booth operation.

For houses seating up to 800, the cost is set at $168; from 800 to 1,200 seats, $242; from 1,200 to 2,500 seats, $294. The deal also provides that Allied M. P. Operators will not be admitted into Local 306. Stagehands' terms have not yet been submitted.

Members of I.T.O.A. will decide on the terms of Local 306 at the regular meeting tomorrow. The result will be forwarded immediately to the union, which will call a directors' meeting for discussion of the report. There is a possibility that a compromise may be effected.

The I.T.O.A.'s terms are $75 for

(Continued on page 6)

Gell Chosen Pathe Manager in England

LONDON, Oct. 29.—W. J. Gell, formerly managing director of Gaumont Co., Ltd., and Gaumont Ideal, has been named managing director of Pathe Pictures, Ltd., here, effective Nov. 1. He has also been named to the board of British Instructional Films.

Gell's new appointments follow upon the consolidation of the Gaumont-British distributing units, with which he was associated, and are understood to be in line with plans for increasing Pathe production here, which was resumed recently.

Denmark Raises New Bars on U. S. Films

COPENHAGEN, Oct. 29.—Warner-First National and Columbia have been added to the list of American companies barred from importing films into Denmark, with the announcement of Nordisk Films that writs are being served on these companies as a result of the dispute revolving about the charge that films made by them have violated Danish patents for noiseless recording. With similar writs already served on Paramount, Fox and M-G-M, the only American company allowed to continue importing films into Denmark is United Artists.

Code Benefit To Be Applied On Contracts

Cancellation Privileges Not to Be Withheld

No disposition on the part of distributors to withhold any code benefits from exhibitors who have already closed and signed 1933-34 contracts is in evidence, despite the fact that the code is not to be retroactive.

Although few trade practice changes which will vitally affect existing contracts have come into being with the code, that document's straight 10 per cent cancellation provisions offer many exhibitors a benefit not included in existing contracts made for new season product. This is especially true, it was pointed out by sales managers Saturday, in cases where exhibitors have closed new season deals on the basis of the uniform contract which offered only the first five per cent of a total 15 per cent cancellation without pay. The second five per cent is on the basis of a 50 per cent payment, and the third on full payment.

Representative sales managers said Saturday that the straight 10 per cent cancellation without pay offered by the code would "in all fairness" be accorded to any exhibitor already signed up who elected it in preference to cancellation provisions, or the lack of them, in whatever contract he held.

"It is only sound business practice to offer exhibitors already signed up any new advantages offered by the code," said one sales executive. "If they have shown enough confidence in us to sign up early, it would be a poor

(Continued on page 6)

Rosenblatt Asks for Horwitz Conference

CLEVELAND, Oct. 29.—M. B. Horwitz has been requested to appear before Deputy NRA Administrator Sol A. Rosenblatt at his Washington office on Tuesday afternoon. It is believed this may have something to do with Allied's action in criticizing Rosenblatt's handling of the code and

(Continued on page 6)

Betterment Group Seeks Code Change

Ralph Whitehead, executive secretary of the Actors' Betterment Ass'n, has communicated with Deputy NRA Administrator Sol A. Rosenblatt in a last effort to get him to insert in that section of the final draft of the industry code dealing with vaudeville

(Continued on page 6)

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Anthony Jim Bankrupt

PITTSBURGH, Oct. 29.—Anthony Jim, theatre owner with headquarters in Latrobe, Pa., filed a voluntary petition in bankruptcy here last week, placing his assets at $50 and his liabilities at $2,404,984. Jim owns and operates theatres in Pittsburgh, Meadville, Aliquippa, Oil City and Farrell.

His liabilities, he said, consisted chiefly of unpaid rents and film bills.

Dillon Joins U. A.

ATLANTA, Oct. 29.—George Dillon joins the local United Artists sales force tomorrow as field representative. Dillon at one time was district manager for Pathe and has held sales posts with other companies.

Farnol Coming East

HOLLYWOOD, Oct. 29.—Lynn Farnol, publicity representative for Sam Goldwyn, leaves for New York the end of this week on company business. He will be gone three months.

Club Action Deferred

Action to determine the future course of the Motion Picture Club has been deferred for two weeks. The directors are scheduled to confab again on Nov. 10.

"Keyhole" to Rivoli

"Broadway Thru A Keyhole," second 20th Century picture, will open at the Rivoli Wednesday.

A BUSY MAN
BEN BLUE
Captured Broadway
LAST WEEK
RKO PALACE THEATRE
THIS WEEK
ROXY, 7th Ave.
INDEFINITELY BOOKED
Club Vanity Fair
Starring in Series
WARNER SHORTS
On the Air Nightly WMCA
Direction: Leo Morrison

Insiders' Outlook

WHY the independents are resentful, also shocked and morose, as explained by one of them who won't go for his name being used because he fears reprisals: "We went to Washington. The Blue Eagle was to protect us. We wanted certain things, but almost before we had a chance to ask for them, they were promised. The right to buy was to prevail, monopolistic practices were to be cut out; small enterprises were to be protected. This was the promise given us voluntarily, mind you. We were told to go home and we did. Return in a week and collect your salvation; it'll be ready for you. Well, we came back all right, but what happened to those promises? Do you wonder we have let out a howl since then?"

▼

The two Schencks are in Hollywood at one and the same time. That may mean plenty where Joe's resignation from the coast Hays association is concerned. Nick has a way of spreading oil on waters that turn troubled. Also he carries more than casual influence with his brother. Remember, too, the Loew president was for Article 5, which Joe finds irksome, and some other things. The U. A. prexy opposed because 20th Century is expanding, needs stars, and finds a wide-open market to its fancy. It's as simple as all that. Having a bearing on the situation, too, is the fact that the Schenck resignation, like Sam Goldwyn's, will not take effect until accepted by the association's board of directors. They don't meet for some time yet. Even if they did, the session might be postponed. There are ways. . . .

▼

He insists he knows what he's talking about, says this chap, in shaping Harold B. Franklin's future for him. It's a two-way plan, the story goes. One, production at the Biograph plant with Consolidated money. Two, a circuit of art theatres, like the Studio theatre in Los Angeles. A third springs from another source: That Franklin had sewed up the Theatre Guild on talker rights. The first yarn's been around for a couple of weeks and trails to the close contact which Herb Yates maintained at RKO during the H.B.F. regime. The second looks like just a yarn. Number three "might be a good idea," according to Franklin. Fifty-two bucks a head was the tariff on Harold's dinner last Wednesday night. . . .

▼

Another slant on the influences prompting Haysian objections to proposed production of "The Mad Dog of Europe" by Al Rosen is that it was less the decree of the M.P.P.D.A. than it was of certain eminent leaders of the Jewish race in America who foresaw the possibility of the vitriolic anti-Hitler theme as alienating certain sympathies in non-Jewish quarters. It was felt, according to this version, that any lack of dignity and restraint might react against the race in its international defense against Nazi tactics. . .

▼

There was one major that once had a favorite method of disposing of deposed executives; they were made branch managers in Kansas City. In 1933 it's different; they're made foreign managers. . . . During the first two weeks of the "I'm No Angel" run at the Paramount, no executive or circuit buyers' passes were honored. . . . Having read Adolph Zukor's testimony of how the Lasky, Kent, Katz, Schulberg and Hertz resignations developed, you now know all—or nearly all. . . . The Zanuck-Warner-Schenck "burn-up" is still sizzling. Jack Warner had a chance to crack the latter and Sam Goldwyn over the knuckles the other day on the code and went the limit. Goldwyn must be gulping yet. . . .

KANN

Trading Light in All Issues

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22	21	22	+1⅝	300
Consolidated Film Industries	3¼	3¼	3¼	+ ⅛	100
Consolidated Film Industries, pfd	9½	9⅜	9⅜	— ⅛	200
Eastman Kodak	74	74	74	— ½	100
Fox Film "A"	15¼	15	15	+ ⅛	500
Loew's, Inc	28⅞	27½	28½	— ⅜	1,000
Pathe Exchange	1⅜	1⅜	1⅜	+ ⅛	400
RKO	2⅝	2⅝	2⅝	+ ⅛	100
Warner Bros.	7	6⅜	6¾	+ ¼	8,300

Warner Bros. Drops One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4¼	4¼	4¼	+ ⅞	1
Paramount Broadway 5½s '51	30⅞	30⅞	30⅞	+ ⅞	2
Paramount F. L. 6s '47	30	29¾	29¾	— ¼	4
Pathe 7s '37, ww	80	80	80	.....	1
Warner Bros. 6s '39 wd	40½	39½	39½	—1	6

Purely Personal

ABE SCHNEIDER of Columbia and ROY DISNEY of the U. A. Disneys received quite a trimming early Saturday morn. The tonsorial artist at 729 did a swell job in preserving their youth.

HAL HORNE is still being patted on the back for the manner in which his crew put over that *N. Y. American* Christmas Relief Fund "Bowery Ball" at the Astor.

PAUL TERRY and FRANK MOSER are readying two new Paul Terry-Toons, "Beanstalk Jack" and "The Village Blacksmith," for early release.

PETER FREUCHEN, author of "Eskimo," arrives from the coast today and will remain here for the premiere of the picture at the Astor, Nov. 14.

JIMMY MACFARLAND of the Rivoli still goes to the Paramount Child's. He claims ace attraction there is the oyster stew.

W. RAY JOHNSON and HARRY THOMAS, president of First Sales Division, arrived in New York Saturday from Cleveland.

AL SELIG, Warner exploitation man, is back from Detroit where he put on the "Footlight Parade" campaign.

TREM CARR left New York for California Saturday.

BEN BLUE is headlining the Old Roxy stage show this week.

"U" Loss for Nine Months Cut $30,899

In a preliminary report of Universal Pictures for the three months ended July 29, it is indicated the net loss will estimate $126,492 after taxes and charges. This compares with a loss of $419,338 for the same quarter last year. For the nine months ending July 29, the net loss was approximately $728,747, which is $30,899 less than that for the same period previously.

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that's why *samplevue* trailers by

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singing, dancing, devastating
in
"MY LIPS BETRAY"
coming soon from
A FOX PICTURE

NATIONAL SCREEN SERVICE

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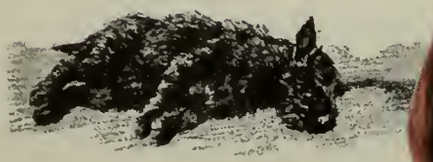
worth more because they sell more

The Kennel

by S. S.



A Chinese dagger was the murder weapon . . . but whose hand held it when Archer Coe met his death? Was it the same hand that fired a bullet into his dead body?

In the First Installment:

When Philo Vance and John F.-X. Markham (district attorney of New York County) went to Archer Coe's brownstone house in West Seventy-first Street to investigate the "suicide" of Archer Coe, it was to find the dead man still sitting in an armchair beside the desk in his bedroom, with a revolver clutched in his right hand and the door firmly bolted on the inside. Markham had been notified of the finding of the body by Raymond Wrede, an intimate friend of the Coe family, who did not think Coe would have shot himself.

Sergeant Heath and Detective Hennessey burst open the heavy door, and a closer examination of the body revealed that though the dead man was clad in a dressing gown, on his feet were heavy street shoes. Doctor Doremus, the coroner, discovered that Coe had been stabbed before he was shot in the right temple. He had also received a blow on the head from a blunt instrument. But the windows of the room were all locked, and there was no other means of entering it.

While Vance tried to reconcile these apparently irreconcilable facts, Gamble, the Coe butler, interrupted him to announce he had found a wounded dog in the entrance hall. The dog proved to be a small brindled Scottish terrier—a good breed, as Vance instantly recognized. There was a clotted wound over her left eye, and the eye itself was swollen shut. Vance took the dog to a veterinary in the neighborhood, hoping to discover the reason for her presence in the house at that time.

On the night of the murder, Vance discovered, only Coe himself had had dinner at home. Hilda Lake, Coe's niece, had been at the country club and had not come back until after one; Mr. Grassi, an Italian collector of ceramics and a guest of Coe's (a noted collector himself), had gone out in the afternoon and had not returned until very late; Brisbane Coe, Archer's brother, had left on the five-thirty train for Chicago.

There were only two other servants besides Gamble—Miss Lake's personal maid and the Chinese cook, both of whom had left the house before dinner and returned about midnight. It seemed clear that none of these could have been on the ground at the time of the murder, but suddenly Vance startled everyone by stating that Brisbane Coe had undoubtedly been in the house that night because the ivory-headed cane which Gamble had said he carried when he left for the station was hanging over the back of a chair in the entrance hall.

The Missing Man

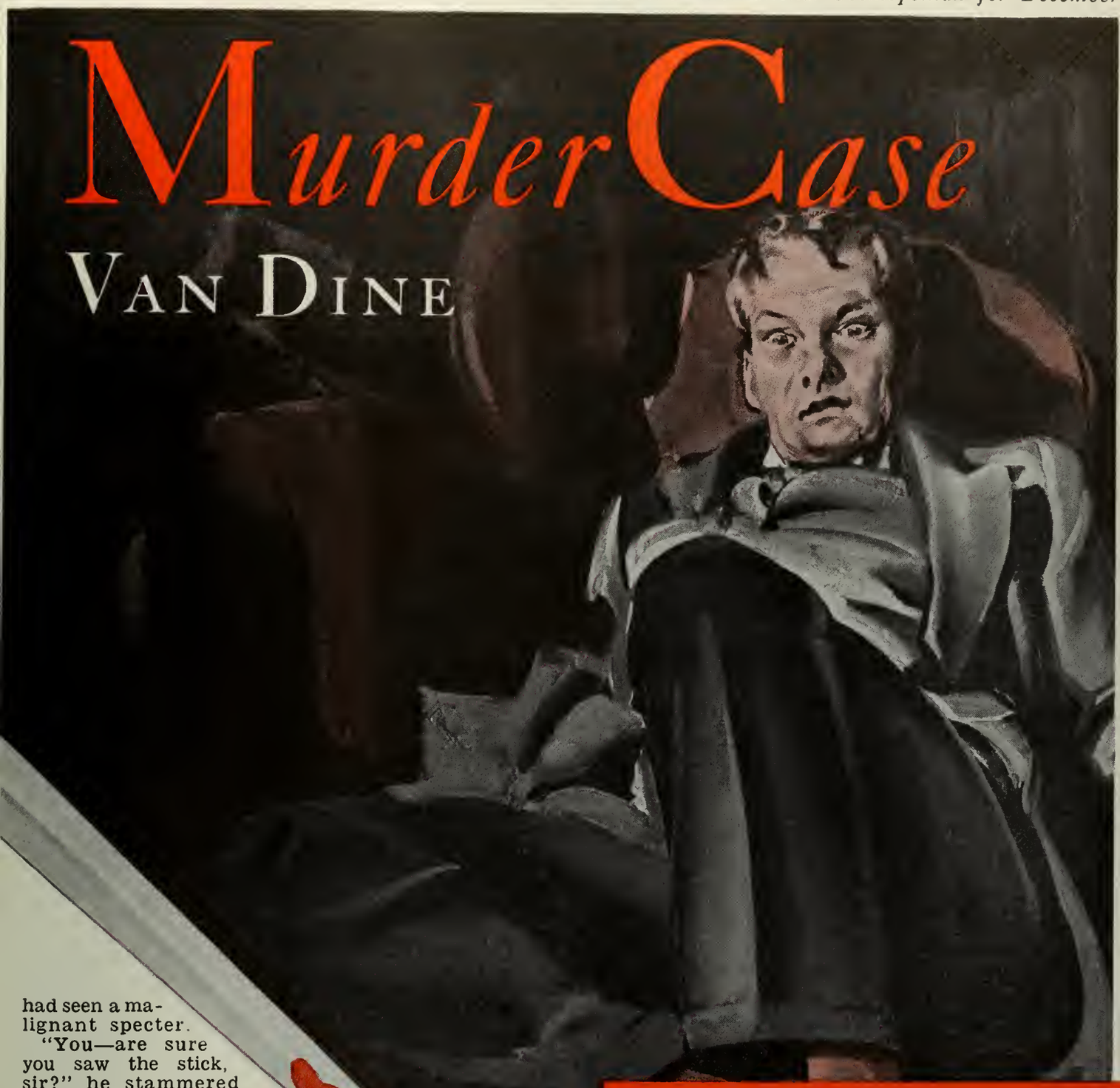
(Thursday, October 11; 11:45 A.M.)

Vance's announcement that the ivory-headed stick which Brisbane Coe had taken with him when he set out for Chicago was at that moment hanging over a chair in the front hall, threw a pall of vague horror over all of us. I was watching Gamble, and again I saw the pupils of his eyes dilate. Unsteadily he rose, and bracing himself with one hand on the back of his chair, glared at Vance like a man who

Vitagraph, Inc., Distributors

Murder Case

VAN DINE



had seen a malignant specter.

"You—are sure you saw the stick, sir?" he stammered "I didn't see it. And Mr Brisbane never hangs his stick over the hall chair. He always puts it in the umbrella stand. Maybe someone else——"

"Don't be hysterical, Gamble," Vance interrupted curtly. "Who but Mr. Brisbane himself would bring that precious stick back to the house and hang it over a chair in the hall?"

"But Mr. Vance, sir," the man persisted in an awed tone, "he once reprimanded me for hanging it over a chair—he said that it might fall and get broken. Why, sir, should *he* hang it over the chair?"

"Less noisy, perhaps, than chucking it into a brass umbrella holder."

Markham was leaning over the desk scowling at Vance. "What do you mean by that?" he demanded.

Vance lifted his eyes slowly. "I opine, my dear Markham," he said, "that brother Brisbane didn't want anyone to hear him when he returned here last night."

"And why do you 'opine' any such thing?" Markham's irritation was bordering on anger.

"There may have been sinister business afoot," Vance

. . . . . *Now go on with the story in the*

WARNER BROS. PICTURE

from the biggest mystery buy of the year, in which William

POWELL

"scores again in PHILO VANCE role" (N. Y. Daily News) . . . "undoubtedly his most popular character . . . providing great entertainment which will baffle and entertain all detective story fans" (N. Y. Mirror).

Code Benefit To Be Applied On Contracts

(Continued from page 1)

recognition of it on the distributor's part to penalize them for their patronage."

In any event, distributors agree, nothing in existing contracts contrary to the code will prevail. This is specified in the code itself, which states that in the case of conflicting provisions, those of the code shall prevail.

There will be no necessity of salesmen being returned to the field to make new deals where contracts have been closed already in order to grant signed up exhibitors any rights under the code, it was said.

Rosenblatt Asks for Horwitz Conference

(Continued from page 1)

going over his head to Gen. Johnson, or it may be a part of Rosenblatt's investigation of the recent telegram barrage started by Allied.

WASHINGTON, Oct. 29.—Nothing could be learned here today as to the reason for Sol. A. Rosenblatt's request to M. B. Horwitz to come to Washington. Rosenblatt is in Atlanta.

Betterment Group Seeks Code Change

(Continued from page 1)

and presentation houses a clause specifying the maximum number of performances and hours and incorporating the association's proposal for bonding all employers of talent as a means of protecting payment of salaries to artists.

Missouri Sales Tax Meeting Opposition

(Continued from page 1)

per cent levy on retail sales will pass the House, in the Senate it will be a different story, as considerable opposition has arisen.

Film industry representatives plan to attend hearings on various tax measures scheduled this week by the House Ways and Means Committee.

Four sales tax bills have been introduced, two calling for a one per cent levy and two imposing a two per cent assessment. The chief difference in the bills has to do with certain exemptions.

Opponents of a sales tax brand that method of revenue-raising and relief "unfair." Some say higher taxes on beer and a stiff tax on hard liquor, which will come with repeal, will fill the need. Others advocate doubling the gasoline tax to four cents a gallon.

An administration bill has been placed in the hopper providing for an increase of from 50 cents per $1,000 to $1 in the corporation franchise tax.

SPRINGFIELD, Ill., Oct. 29.—The Illinois Supreme Court is not expected to hand down its decision in the state sales tax case before late December or perhaps not until February. The constitutionality of the law has been questioned by its opponents.

Looking 'Em Over

"Galloping Romeo"

(Monogram)

This western carries its share of action, plot and heroics with a little more love interest than is usually found in the two-gun melodramas. Audiences who like their thrills on horseback should approve of it.

Bob Steele, teamed with a kindly old cavalier of the plains known as "Grizzly," endeavors to end the mysterious theft of money shipments during stage coach transit by taking over the job of driving and guarding the coach. Their first effort results in an attempted hold-up of the coach, which they succeed in foiling. The second results in the discovery of Doris Hill inside a trunk aboard the coach and alongside the strong box containing the money. With a duplicate key she had been able to remove the money from the box and lock it again, which accounted for the mysterious thefts discovered only when the strong box was delivered empty at its destination. Steele was in love with the girl, who, it develops, was forced into her criminal activity by an avaricious father who received the money. With the apprehension of the father, Steele keeps the evidence incriminating the girl to himself, bringing about the satisfying solution of the romance.

"Her Forgotten Past"

(Mayfair)

Romance and politics are mixed in this melodrama which is best suited for neighborhood houses. It has a name cast with Monte Blue and Barbara Kent as topnotchers and Henry B. Walthall, Eddie Phillips, William V. Mong and Dewey Robinson in support.

Marrying Phillips, the family chauffeur, against her father's wishes, Miss Kent shortly after learns Walthall was right. Phillips turns out to be a gambler and forger and is reported dead in an auto accident. Later the heroine marries Blue, district attorney who is campaigning for re-election. Blue refuses to listen to bribe offerings of Robinson and the latter tries to prevent the re-election. He hires Mong, a former servant of Blue's, to plant evidence in the district attorney's home that would create a scandal. While Mong is carrying out the job he kills Phillips, who shows up again and is leaving the house with jewelry and cash given him by Miss Kent as hush money.

Robinson tries to use the murder as a bludgeon to prevent Blue from running again, but the D. A. comes right back at him and solves the killing. At the same time he cleans up the town of its undesirables.

Audience reaction in a neighborhood house was negative.

"Her Splendid Folly"

(Hollywood)

Willis Kent has produced in "Her Splendid Folly" a film that has numerous selling angles. Set in a picture studio atmosphere, it contains one thrilling sequence in which a speeding car plunges over a cliff, a tearful moment or two, a love romance in the approved Hollywood fashion and plenty of hokum.

The story is somewhat off the beaten track. A screen star, killed in the car incident, is of such importance to her producer that he resorts to the expedient of letting her double pose publicly as her in order that his production may be saved. Of course the public is told that the one killed was an extra girl doubling for the star. Thus her masquerade is not detected. Only the producer, director and her leading man, with whom she is in love, know of the trickery being played on the public. The whole thing blows up when a heavy who had been married to the star demands his marriage rights. There is no other way to save the young lady from going to prison for bigamy but to reveal the truth.

The cast is good. Lillian Bond, playing a double role, pairs up handsomely with Theodore Von Eltz, who is the lover. Alexander Carr, as the producer, plays just as one expects such a role to be played in the movies—that is, with plenty of exaggerated comedy. Beryl Mercer lends a touching note as the mother of Miss Bond.

"Dinner" $14,000, Chicago

CHICAGO, Oct. 29. — "Dinner at Eight," being roadshown at the Apollo at 50 cents to $1.50, stands to garner $14,000 for the opening week ending yesterday. The picture is being shown under a three-week lease, with the option of continuing if business warrants it. Sam Blair is here from the east to handle the showing.

O'Heron Hurdles "Flu"

HOLLYWOOD, Oct. 29. — Frank O'Heron, vice-president of Radio Pictures, has recovered from a brief siege of the "flu" and is back at the studio.

"Lips Betray" to Roxy

"My Lips Betray" has been booked into the Old Roxy starting Nov. 3, instead of "The Mad Game," which is now set for Nov. 10.

Allied Bases Campaign on Chicago Meet

(Continued from page 1)

fair administration of the code" until the object was accomplished, the bulletin details the arrangements which have been made for financing Allied's campaign.

A draft for $10 was drawn on each of the approximately 500 exhibitors in attendance at the Chicago meeting and a request was made that each of these make a draft for a like amount on five others.

"In a few well-organized territories," the Allied bulletin states, "the leaders volunteered to carry out this plan. In others, the drafts will be made by Sidney E. Samuelson of New Jersey Allied, as the designated representative of the executive committee.

"Under this plan adequate funds will be raised to provide for retaining such additional professional and other assistance as may be needed."

The "professional assistance" referred to is believed to be the "best Democratic lawyer available . . . powerful and influential enough to get our protest direct to the President," as urged by W. A. Steffes at the Chicago meeting.

Local 306 Submits Terms to the ITOA

(Continued from page 1)

theatres seating up to 600; $105 for theatres seating from 600 to 900; and from $105 to $190 for seating capacities from 900 and up. Also to take in members of Allied M. P. Operators union.

Libson May Go Into RKO Midwest Board

(Continued from page 1)

RKO, when the former issued $3,500,000 sinking fund debentures several months ago, due in 1940, to secure an extension of a like amount of notes then outstanding, and maturing in 1935.

Approximately $30,000 in interest on notes is said to fall due next month and will be met, according to well-informed interests.

RKO Midwest operates the Albee, Palace, Capitol, Lyric, Grand, Strand and Paramount here; Keith's, Colonial and State, at Dayton, and the Palace and Majestic, at Columbus. The houses formerly were under control and operation of Libson and his associates, from whom Midwest interests acquired them under lease.

Try Thursday Openings

COLUMBUS, Oct. 29.—Loew's Broad has switched from Friday to Thursday openings, thus bringing the house in line with Neth's Grand, independent first run.

Loew's Ohio and the RKO Palace, both first run spots, will continue to change on Friday.

"Mexico" for Playhouse

The 55th Street Playhouse will open its season Oct. 31 with a policy of American and foreign films.

Universal's New Deal!

YAMINS CIRCUIT

Nate Yamins

Operating the following theatres in Fall River, Mass: Durfee, Empire, Capitol Park and Strand,

signs for

UNIVERSAL

—Features, News, Serials and Shorts, 1933-34

•

***Thanks,* Mr. Yamins, for your confidence in Universal Pictures. We will do our part.**

Mae Lures 'Em At Paramount; $83,450 Wow

For actual performance, nothing on the street touched "I'm No Angel" last week with $83,450. It looks like a repeat this week with the Paramount heading for $70,000 on a second stanza for the "come up and see me some time" star. That's business that can't be laughed off and nobody's trying except, perhaps, some of the competitive theatres.

Other draws of real magnitude were "Footlight Parade," which gave the Strand $36,902 for a second week, and "The Bowery," which finished at $26,695 at the Rivoli; likewise, a second week.

"The Private Life of Henry VIII" proved a money-getter at the Music Hall, where the adding machines stopped at $103,000, not far removed from "Cavalcade's" performance at the same theatre. Competition made the going very tough for the Rialto and "My Woman," the gross there hitting a pretty low spot at $8,500.

Estimated takings for period indicated:

Week Ending Oct. 18:

"EVER IN MY HEART" (Warners)
HOLLYWOOD—(1,545), 25c-85c, 7 days. **Gross:** $8,296.

"PRIVATE LIFE OF HENRY VIII" (U. A.)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $103,000.

"FOOTLIGHT PARADE" (Warners)
STRAND—(2,000), 35c-$1.25, 2nd week, 7 days. **Gross:** $36,902.

Week Ending Oct. 19:

"S. O. S. ICEBERG" (Univ.)
CAMEO—(549), 25c-40c, 7 days. **Gross:** $3,924.

"NIGHT FLIGHT" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 2nd week, 7 days. Stage: Al Trahan, John Fogarty, Ted Healy, Enrica & Novello, Pasquali Bros. and others. **Gross:** $28,500.

"ANN VICKERS" (Radio)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $12,091.

"I'M NO ANGEL" (Para.)
PARAMOUNT—(3,700), 36c-99c, 7 days. Stage: Ethel Shutta, George Olsen and band. **Gross:** $83,450.

"MY WOMAN" (Col.)
RIALTO—(2,200), 40c-65c, 7 days. **Gross:** $8,500.

"SATURDAY'S MILLIONS" (Univ.)
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $21,500.

Week Ending Oct. 20:

"ANN VICKERS" (Radio)—4 days
"BIG EXECUTIVE" (Para.)—3 days
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $11,000.

Week Ending Oct. 22:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$2.20, 8th week, 7 days. **Gross:** $11,500.

"BERKELEY SQUARE" (Fox.)
GAIETY—(808), 55c-$1.65, 5th week, 11 days. **Gross:** $10,100.

"BEFORE DAWN" (Radio)
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $7,700

Week Ending Oct. 21:

"THE BOWERY" (U. A.)
RIVOLI—(2,200), 35c-99c, 3rd week, 7 days. **Gross:** $26,695.

Cleary on His Own

CLEVELAND, Oct. 29.—Fred Cleary, manager of the Allen until his resignation last week, has leased the Coliseum, Mansfield. This is a large dance hall, where Cleary plans to present wrestling matches, musical shows, the auto show and whatever specialty attractions come along. Associated with Cleary, who was formerly assistant manager of Cleveland's Public Auditorium, is George Gilliam, one-time Stillman manager.

Seattle Top, "Bowery," Is $6,000 Draw

SEATTLE, Oct. 29.—"The Bowery" sent Hamrick's Music Box up to $6,000 last week. This is $2,000 over normal.

Reopening of the Orpheum has added about 2,500 seats to the local first run situation. Vaudeville and "Bureau of Missing Persons" pulled $9,000.

"Dinner at Eight," as a roadshow at the Metropolitan, did an average business at $1.65 top, but local showgoers seem to wait for these roadshow pictures to return at regular prices. "Penthouse" at the Fifth Avenue and "Ann Vickers" at the Blue Mouse were below par, and "Solitaire Man" at the Paramount was pulled after four days and "Berkeley Square" was put on cold, to build up fairly well.

First run total for the week was $39,500. Average is $38,500.

Estimated takings for the week ending Oct. 21:

"ANN VICKERS" (Radio)
BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days. **Gross:** $3,500. (Average, $4,000.)

"PENTHOUSE" (M-G-M)
FIFTH AVENUE—(2,450), 25c-35c-40c-55c, 7 days. **Gross:** $5,500. (Average, $7,000.)

"CURTAIN AT EIGHT" (Majestic)
LIBERTY—(1,800), 10c-15c-25c 7 days. **Gross:** $4,250. (Average, $4,000.)

"THE BOWERY" (U. A.)
MUSIC BOX—(950), 25c-35c-40c-55c, 7 days. **Gross:** $6,000. (Average, $4,000.)

"BUREAU OF MISSING PERSONS" (F. N.)
ORPHEUM—(2,500), 25c-35c-40c-55c, 6 days. Vaudeville headed by Clarence Stroud and Beth Dodge. **Gross:** $9,000.

"THE SOLITAIRE MAN" (Para.)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 4 days. **Gross:** $2,500. (Average for 7 days, $6,000.)

"BERKELEY SQUARE" (Fox)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 3 days. **Gross:** $2,750. (Average for 7 days, $6,000.)

"SATURDAY'S MILLIONS" (Univ.)
ROXY—(2,275), 25c-35c-50c, 8 days. **Gross:** $6,000. (Average, $6,500.)

"DINNER AT EIGHT" (M-G-M)
METROPOLITAN—(1,800), 75c-$1.10-$1.65, 7 days. Twice daily. **Gross:** $5,000.

"Angel" Is $10,000 Indianapolis Lead

INDIANAPOLIS, Oct. 29.—Fifteen thousand school teachers in the city during the latter part of last week put theatre men in a good humor for a change and sent three of the four first runs over par. "I'm No Angel" was the leader with a gross of $10,000, which is $6,500 over par and very good for that house even in pre-depression days.

Total for the four first runs was $25,000. Average is $20,500.

Estimated takings for the week ending Oct. 21:

"WALLS OF GOLD" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500.)

"I'M NO ANGEL" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $10,000. (Average, $3,500.)

"ONE MAN'S JOURNEY" (Radio)
INDIANA—(3,300), 25c-55c, 7 days. Stage show. **Gross:** $7,000. (Average, $10,000.)

"THE BOWERY" (U. A.)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500.)

Reorganization Set

Publix Enterprises, large theatre subsidiary of Paramount Publix, will be bought up by a new corporation to be organized by the Paramount trustees in the near future, relieving Irving Trust Co. of the trusteeship of the theatre organization and ending the Publix Enterprises bankruptcy.

In their third report, filed Saturday, the Paramount trustees state that reorganization of Publix Enterprises has progressed so far that it "will soon be included under the same administration as that of the other Paramount Publix subsidiaries," meaning the Paramount trustees.

"Silk Express" at $3,000, Portland

PORTLAND, Oct. 29.—"Silk Express" easily took first honors among the local first runs last week, with a gross of $3,000, up by $1,200. Great Raymond & Co. on the stage helped.

"Love, Honor and Oh, Baby" was $800 over the normal $3,000 at Hamrick's Music Box, "Too Much Harmony" was $700 up at the Liberty, and "Midshipman Jack" took a strong $2,500 at Hamrick's Oriental.

Total first run business was $22,300. Average is $19,600.

Estimated takings for the week ending Oct. 21:

"LOVE, HONOR AND OH, BABY" (Univ.)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $3,800. (Average, $3,000.)

"MIDSHIPMAN JACK" (Radio)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $2,500. (Average, $2,000.)

"BEAUTY FOR SALE" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $6,000.)

"NIGHT FLIGHT" (M-G-M)
UNITED ARTISTS — (945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000.)

"TOO MUCH HARMONY" (Para.)
LIBERTY—(1,800), 25c-35c-40c, 7 days. Vaudeville. **Gross:** $2,500. (Average, $1,800.)

"SILK EXPRESS" (Warners)
HAMRICK'S PLAYHOUSE—(1,600), 25c-35c-40c. Great Raymond & Co. **Gross:** $3,000. (Average, $1,800.)

Publicist Writes Novel

CHICAGO, Oct. 29.— Madeline Woods, for many years in charge of publicity and advertising for Great States Theatres, is the author of a first novel, "Scandal House," which came off the press recently. The publisher, Julian Messner, formerly with Liveright, has taken an option on Miss Woods' next two novels.

Film rights have been negotiated by Miss Woods. In recent months Miss Woods has been booking "The Big Drive," for which she held a franchise for several western states.

Atlanta Meet Opens

ATLANTA, Oct. 29.—First of the three-day annual convention of Southeastern Theatre Owners Ass'n opened here yesterday.

Canton Scales Lifted

CANTON, O., Oct. 29.—Young & Rinehart, operating the Mozart and McKinley, have advanced admissions from 10 to 15 cents.

Trustees Ask Check on All Para. Funds

(*Continued from page* 1)

sidiary company would have to be explained in statements to the trustees.

"The principal variable factor in expenditures," the trustees' report states, "is production expenses, which represent a very large part of the total expenditures of the organization and are incurred principally at the studio."

A spokesman for the trustees told MOTION PICTURE DAILY that the plan, which must have the approval of Referee Davis and the U. S. District Court, did not contemplate "interference" by the trustees in production policies, but did involve a careful check and probable stoppage of large amounts now being expended by the production department.

Would Approve Contracts

All contracts entered into by any of the active Paramount subsidiaries would also have to be approved first by the trustees or their designated agents or representatives, which in the case of contracts, at least, could be the executive committee of the subsidiary involved, although this committee must have the consent of either Charles D. Hilles, Eugene W. Leake or Charles E. Richardson, the trustees, to act.

Any change in the quarterly budgets submitted by the subsidiaries must have the approval of the trustees. This, too, seems aimed at Hollywood, in particular, because of the "variable" nature of production expenditures. Weekly or bi-weekly advances to subsidiaries would be made by the trustees only on requisition describing what they are to be used for.

Under the plan for bringing the subsidiaries under closer control of the trustees is a provision that all cash receipts, domestic and foreign, of Paramount Distributing Corp. and Paramount International would be transferred to one or more special accounts in the name of the trustees and paid out to any of the subsidiaries only as needed. Payments would be made in the form of deposits in the subsidiaries' names in a bank, with withdrawals from these accounts permitted only by instructions of the trustees and by checks countersigned by their agents.

Report Para. Cash Totals $2,074,480

(*Continued from page* 1)

Sept. 29, were $1,589,713. On July 8, cash in banks was $846,634. Disbursements for the period covered by the report aggregated $361,867, most of which was for 1929 taxes. Advances to subsidiary companies during the period amounted to only $47,500.

The trustees note in their report that no dividend is recommended at this time because of the advisability of keeping sufficient cash on hand to meet operating and other expenses. No payments have been made by the trustees to attorneys or accountants retained by them and no fees have been paid yet to the equity receivers, Adolph Zukor and Hilles, or their attorneys or accountants, the report states.

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Reorganizing Set on Eight Para. Groups

Four to Go, Report by Trustees Indicates

Reorganization of eight bankrupt theatre subsidiaries of Paramount Publix and progress in reorganization of four additional circuits is recorded in the third report of the Paramount trustees filed Saturday with Referee Henry K. Davis, by Charles D. Hilles, Eugene W. Leake and Charles E. Richardson.

Circuits already reorganized are: A. H. Blank, Nebraska and Iowa; Southern Enterprises, Texas; Publix Newport News; Virginia-Tennessee Theatres, Inc.; Publix Virginia, Inc.; Augusta Amusements, Inc., Georgia; Dent Theatres, Inc., Texas; and a 10 months' minimum operating plan for Publix Detroit theatres.

Circuits on which reorganization is still in progress are Olympic Theatres, Inc., New England; G-B Circuit, New England; Saenger Theatres, Southern States, and the Minnesota Amusement Co.

Other Paramount Publix properties affected by plans either completed or

(*Continued on page 6*)

Para. Claims Put At $319,000,000

A final tabulation of creditors' claims filed against Paramount Publix showed a total of about $319,000,000, the third report of the Paramount Public trustees records.

Of this amount, the report states, about $36,000,000 represents claims

(*Continued on page 6*)

Goldwyn Blasts Warner's Charge

HOLLYWOOD, Oct. 30.—Answering Jack Warner's attack on him last week for his resignation from the Producers' Ass'n over its espousal

(*Continued on page 8*)

Pigs vs. Pastramis

Moe Streimer, U. A. branch manager, says that "Three Little Pigs" should have been named "Three Little Pastramis" for the benefit of a number of local exhibitors.

Heavy Italian Tax Effective Soon on Films

Levy of 25,000 Lire is Proposed on Dubs

ROME, Oct. 30.—Italy's new legislation imposing severe tax and dubbing tributes on all foreign films is expected to go into effect in the near future following the failure of American distribution agents' protests to the government that the new laws would burden the American export industry with an unbearable tax of $1,120,000 annually and comprised discrimination against American film distributors.

The new legislation specifies that all foreign films must be dubbed in Italy and imposes a tax of 25,000

(*Continued on page 6*)

Sale of Poli Gets Approval of Court

HARTFORD, Oct. 30.—Judge Edwin S. Thomas in Federal Court here today confirmed the auction sale of Fox New England theatres in Massachusetts and Connecticut to John A. McNaughton and W. B. S. Rogers for $3,101,000 last week.

Reorganization plan of Poli-New England Theatres, Inc., is set and awaits approval of the court. Under

(*Continued on page 6*)

Like Mae's

"We had an earthquake out here the other night," said Will Rogers over the air Sunday night. "It shook the Writers' Club building to its second mortgage and made the side shake like Mae West's. The Chamber of Commerce probably will say that's one of Will's bum jokes, but it happened."

Later:

"Warners are going to make the life of Napoleon. I overheard Jack Warner say he was going to cut out Waterloo because the public was fed up on war pictures."

Academy Asks "Fair" Trial For the Code

HOLLYWOOD, Oct. 30.—The Academy tonight was urged to give the code a "fair trial over a reasonable period of time," by Lester Cowan, executive secretary of the organization, who submitted a report on the Washington conferences to the board of governors.

The Academy's secretary swung the lash at the creative talent of Hollywood, urging players "to stop parading their problems in public, to stop rehasing the past and telling tales on each other, to forget petty differences

(*Continued on page 3*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Design for Living"

(*Paramount*)

HOLLYWOOD, Oct. 30.—For those who like their film fare a la caviar, truffles and cafe royale; for those who know surface brittleness may have deeper intent, and for those who see and feel primal urges behind nuances of superficial witticisms, "Design For Living" should be a palatable platter.

Seeing it from the eyes of the boulevardier and his perfumed lady, ready with the answers, "Design for Living" is a swell dish. Viewing it from the lamps of the guys and the gals who like their ham and eggs, beans and ——, or steak with ——, it is a question if that mob will catch the savor and the flavor of the rare and spicy concoction Lubitsch has prepared in earnest and subtle fashion.

"Design for Living" is geared for laughter. It regaled the Hollywood cosmopolites. They got quite a boot out of it at the preview. In the key cities Noel Coward's play drew the swanky sophisticated set. They

(*Continued on page 2*)

Rosenblatt Hits 'Selfish Theatre Men'

Tells Southerners Code Will Help Industry

ATLANTA, Oct. 30.—Deputy NRA Administrator Sol A. Rosenblatt took a verbal crack today at exhibitors "who fail to see beyond their own selfish interests" and declared that the code would bring them into line to the advantage of the industry as a whole.

It was his first public speech since he took over handling of the film code and was made at the opening session of the Southeastern Theatre Owners' Ass'n.

Rosenblatt stressed the opinion that the cancellation provisions of the code would be an aid to exhibitors and would enable them to avoid the showing of films which are not approved by film review boards.

Speakers at tomorrow's session will be Ed Kuykendall, head of the M. P. T. O. A.; M. A. Lightman and Charles W. Picquet. Officers are to be elected tomorrow.

Rosenblatt Returns From Atlanta Today

WASHINGTON, Oct. 30.—Return of Deputy NRA Administrator Sol A. Rosenblatt from Atlanta on Tuesday is expected to be followed by renewed developments in the industry code, activity on which went into the decline

(*Continued on page 3*)

Thompson Goes on New Job at Radio

Leslie Thompson, who was appointed assistant to J. R. McDonough in charge of RKO theatres on Friday, started his new post yesterday and today will hold his first confab with circuit divisional managers.

(*Continued on page 6*)

In Conclusion

Milwaukee, Oct. 30. — Says Fred Mayer, president of the Wisconsin M. P. T. O., and one of the industry's most persistent codifiers:

"Famous last words: 'For years they wanted Washington! They got it'."

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Report M-G-M May Take Radio Chain

Negotiations have been started, it is reported, between M-G-M and the Amalgamated Broadcasting System, of which Ed Wynn was the head until recently, whereby M-G-M will take over the new company with its 22 stations.

In the deal, it is said, is a plan to make WHN the central station instead of WBNX, and to retain Ota Gygi and his staff as operators.

Major Edward Bowes could not be reached for a statement.

Freeman C. Allen Dead

ROCHESTER, Oct. 30.—Freeman C. Allen, assistant credit manager of the Eastman Kodak and prominent in the life of the city, collapsed and died of a heart attack after exercising in the gymnasium at the Genesee Valley Club.

Allen was a member of a number of Rochester clubs and a director in several enterprises. He was 48.

Century to Move Office

Century Circuit, Inc., operators of theatres in Brooklyn and Long Island, is moving from 152 West 42d St. to quarters on the 31st floor of the RCA Building in Rockefeller Center.

Andy Devine Married

HOLLYWOOD, Oct. 30.—Andy Devine, Universal contract player, and Dorothy Irene House were married Saturday in Las Vegas, Nevada.

Meehan in Town

Leo Meehan is in New York from Hollywood. It is his first trip east in four years.

On Page Eight

All financial markets appear on page eight today.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 1)

responded with big grosses to this merry madcap affair and classed it as gorgeous hilarity. Its subtle humor and sly thrusts all found haven with the high livers who can differentiate pate de fois gras from ordinary livers—calf or chicken.

Lubitsch's film is not Noel Coward. It's a picture version of the play, adeptly rewritten by Ben Hecht. Film lines deviate from the play patter, but the plot structure is retained, together with the salient features of this pattern for love. The film is not as frank or as magenta. It's more down-to-earth and more direct, which is in its favor for mass draw.

The story is of two Paris garret pals, one a playwright (Fredric March) and the other a painter (Gary Cooper), who fall for an artiste, Miriam Hopkins. She tantalizes them, inspires them, loves them, leaves them, but always has a yen for them. The two pals fight, break up, make up, return to each other and the girl. After one hectic triangular love battle, she scrams and marries a Babbitt advertising man (Edward Everett Horton). Plastered, the two pals pay an unexpected call at her menage, arriving in the midst of a prosaic home party. This sequence is a gorgeous rib-shaking highlight, with a nice surprise twist for a finale.

Lubitsch's hand is evident from fade-in to fade-out. He has directed a sexquisite drama. Even though the three who love each other shake hands in a compact, saying "No sex," it's still sexquisite.

Master of the lights and shades of comedy, Lubitsch's revelations find outlet in sly symbolism or smart subtlety, skimming lightly, piercing deeply, or exploding in madcap merriment. Lubitsch is a lulu.

Cooper takes the palm for his portrayal of the more blunt and rugged of the two lovers. March, suave and polished, registers romance with elegance and grace. Miss Hopkins, alluringly attractive, is a tempting eyeful. Horton is sure-fire for laughs.

Production exudes the usual high-class Paramount-Lubitsch values. All told, "Design for Living" is smart comedy for high-hat trade. Whether the stenographer, bus boy, ticket chopper, barber, or waitress will go for it in a big way, is a design that only the box-office can answer.

Looking 'Em Over

"Blind Adventure"

(*RKO Radio*)

London's thickest fog can't prevent a mystery from taking place and being solved in one night. And with it the beginning and happy culmination of a romance between Robert Armstrong and Helen Mack. This melodrama apparently pleased an audience at the Mayfair last night, for their response was favorable at certain intervals. The cockney English seemed to puzzle the audience at times.

When Armstrong mistakes Henry Stephenson's home as his hotel, he steps into a room of mystery, for he sees a figure prostrate on the divan and another sneaking out of the door. After pursuing the escaping figure to no avail, Armstrong returns to find the man on the settee gone. Stephenson denies that anyone was in his home and the hero lets it pass until he hears the familiar chimes. By that time he has met Helen Mack and they have become acquainted generally.

Ralph Bellamy, the figure who was on the divan, turns up, gives Armstrong a mysterious package and asks him and Miss Mack to deliver it. When Armstrong arrives at the destination with the help of Roland Young, a derelict and pickpocket, they are held prisoners. Young assists them in escaping and also in capturing the gang of blackmailers. The precious package of letters, which would have embarrassed Miss Mack's uncle had they become public, are safe again. Armstrong and the heroine decide to go back to America where they belong, but not apart.

U. A. Closes Shorts Deal

United Artists has closed a deal for distribution of Master Art "Organlogues" in China, Manchuria, Japan, Formosa, Korea, Dairen, India, Burma, Ceylon, Afghanistan, Iraq, Persia, Straits Settlements, Malayasia, Siam, French Indo China, Sarawak, British North Borneo and Dutch East Indies.

Casino Changes Hands

The Casino Theatre property at the southeast corner of Seventh Ave. and 50th St. has been acquired by Haring and Blumenthal, local circuit operators, jointly with Jack Shapiro, from the Mutual Life Insurance Co. Two million dollars is reported to be involved in the deal, which includes a six-story office building.

Purely Personal

BUDDY DESYLVA, Fox producer; DAVID BUTLER, director, and SID SILVERS, comedian, arrive today from the coast to seek talent for "Bottoms Up," musical which they hope to start soon.

GRADWELL SEARS, Warner sales executive, left New York yesterday on a trip to St. Louis, Dallas, New Orleans and Atlanta to look into Warner distribution in the West and South. He expects to be back in ten days.

EMILY LOWRY, recently seen on the New York stage in "Heat Lightning," has been engaged by Warners and will leave for California this week. She will make her bow in pictures in "As the Earth Turns."

MARIANA, Cuban dancer, arrives in New York today aboard the *Ile de France* from Europe, where she has been making public appearances, to take screen tests. Paramount is reported to be interested.

JACK FULTON, soloist with PAUL WHITEMAN'S orchestra, has been signed to feature in a two-reel musical to be produced by Magna Pictures for Radio.

LOU BRAUN, head of the local Paramount exchange film room, narrowly escaped death over the weak-end when he was hit by an auto and dragged several feet. Injuries were slight.

RALPH B. STAUB, long producer, director and actor of Columbia's "Screen Snapshots," has been signed to direct Vitaphone shorts.

ELLALEE RUBY, stage player, has been signed for Universal Pictures through DAVID S. SAMUELS, New York agent.

E. L. ALPERSON yesterday made better time by walking from the Loew building to the Fox home office than by riding by cab.

TOBY GRUEN of National Screen Service is back from a vacation abroad. He dropped in on the English organization while in London.

AL SANTELL and LOUIS MILESTONE, Radio and Columbia directors, arrive today on the *Ile de France*.

MOLLY O'DAY has been signed for the feminine lead in Educational's new Tom Howard Comedy.

J. MAXWELL JOYCE is in Washington handling exploitation for United Artists.

STANLEY WAITE is rapidly recovering from a minor operation at the Bronxville Hospital.

MILT KUSELL is still hanging on to his cold but expects to get rid of it by the end of the week.

BING CROSBY leaves Hollywood by plane Thursday for New York.

MARY PICKFORD is heading east from Hollywood again.

Academy Asks "Fair" Trial For the Code

(*Continued from page* 1)

and get down to the business of making good pictures."

The report, in part, follows:

"There has been a general misconception on the part of most people in the production end of the industry of the exact meaning of the National Recovery Act as applied to the business. From my observation in Washington, and my conversations with Mr. Rosenblatt and other officials, I feel that the NRA industry code will not be the 'big bad wolf' that so many people fear. As I see it, the code is not a set of hard and fast rules which must be lived up to implicitly, but rather a form of machinery set up for the stabilizing of the industry, the success of which will be determined by the manner in which it is operated.

"It is clear and definite that the code has accomplished its primary purpose: that of increasing lower-bracket salaries, shortening working hours and spreading employment. Regarding the effort of the code to formulate rules of fair trade practice, while there are some provisions we have opposed as being unsound in principle, on the other hand they are surrounded by machinery which if it functions fairly should quickly expose the fallacies on which some provisions are based.

Burden on Code Authority

"This machinery is the code authority, which, in the last analysis, is in the hands of the employers. The success or failure of its operation is on their shoulders, and they can either make it work for fair, constructive results or endeavor to use it to their own advantage and eventually defeat the whole purpose of the NRA.

"The public finger will be pointed at the code authority. We have been assured there will be no 'star-chamber' sessions, no secrecy surrounding the administration of the code. It is the right of all persons in the industry to watch all workings of the machinery so the efficiency and honesty of its operation may be determined. If the producers break faith, we know we can appeal to the Administration whose very existence depends upon the success of the National Recovery Act.

"I take this opportunity of making the following recommendations:

"1.—Inasmuch as the code will be signed by President Roosevelt and is what he wants, it deserves a fair trial over a reasonable period of time.

"2.—Whatever the objections to the code might be, the industry must remember that there is a method of procedure to follow, and that objections must be based upon facts and presented not in the manner of head-line hunting. If there is to be a fight, it should be an orderly one, with the Administrator as the referee.

"3.—Hollywood should stop parading its problems before the public and making itself ridiculous. If the industry has any dirty linen it should be washed in the industry's private laundry.

"4.—Hollywood should put its house in order and coordinate its organizations and activities and prove that it is capable of running its own business, otherwise eastern executives will continue to dominate the industry.

"5.—Hollywood should stop rehashing the past, and leave its skeletons in the closet. The fact that some producer used sharp practices in a business deal three years ago means nothing today when we are getting off to a new start. And, tattling is a childish procedure. The whole NRA was set up because industry has a black past.

Hits Selfishness of Highly Paid

"6.—Hollywood should stop being so self centered. High salaried people in the industry should think a little more of the other fellow who isn't working; and while the high-paid individual has the legal right to get all he can, he also has the moral responsibility of thinking of the other persons whose livelihoods are at stake. By this I mean that while an individual who receives $5,000 a week may have the legal right to stage a personal rebellion in the hope of acquiring another $1,000, he should think of those men and women who will be thrown out of work by that rebellion.

"7.—Hollywood should forget its petty differences, and its people should bury their private axes—but not in each others' necks. Coordination instead of conflict should be sought. Emotions and temperamentalities should be confined to the production of good pictures. We cannot spare talent needed in picture making, so those who waste it in futile gestures meant to impress personal opponents should turn it to constructive use. Otherwise the business will be wrecked, for without good pictures it makes very little difference whether the industry is governed by an NRA code or an office boy.

"8.—The whole attitude of the Government, it should be remembered, is to discard theoretical concepts of things and to try to get rapid and practical results.

"9.—Those in the industry who shout, 'Strike!' at the slightest provocation should remember that a strike is the weapon of the oppressed, to be used only as a last resort. The Administration and the American people are out of sympathy with strikes, and one flinches at the thought of their reaction to a strike on the part of persons drawing high salaries.

"10.—In conclusion, everyone in Hollywood should acquire a deeper understanding of the industry's economic structure and problems so they may intelligently bend every effort toward making this a practical, honorable and successful enterprise rather than a cheap 'racket.'"

Buying Strike Up To ITOA Members

Decision on continuance of a local film buying strike because of objection to percentages and consideration of the Local 306 booth scales will be the main topics at the ITOA regular meeting today at the Astor.

The local exhibitor organization last Tuesday evening submitted its own scales for theatre booths to the union, which were subsequently turned down by Local 306, which also submitted scales for the independent theatres. It is understood 306's scales will be turned down today with a hope that a compromise may be effected later.

Members of the ITOA for the last week have not been dickering with exchanges on new product deals, an agreement having been reached at the meeting last Tuesday to hold up negotiations for new product until today's meeting.

Guild Now Up to 925

HOLLYWOOD, Oct. 30.—Total membership of the Screen Actors' Guild has reached 925 to date with Will Rogers, Al Jolson, Lew Ayres, Leila Hyams, Carole Lombard, Victor McLaglen, June Knight and Gloria Stuart the latest to affix their names to application blanks.

Last meeting of the executive board elected a committee to draw up a code of ethics and practice to be submitted to the members for adoption. Personnel of this committee consists of Otto Kruger, chairman; Miriam Hopkins, Frank Conroy, James Gleason and Alan Mowbray.

May Change Air Time

ROXY is considering changing his weekly concert over the radio from Sunday afternoon to an evening spot, possibly Tuesday night.

Rosenblatt Returns From Atlanta Today

(*Continued from page* 1)

during the last few days. Rosenblatt attended the annual convention of Southeastern Theatre Owners.

It is reported on reliable authority that the film code had gone to the White House yesterday, confirmation of which was impossible late yesterday.

Name Code Official For K. C. Territory

KANSAS CITY, Oct. 30.—Code violations here are to be handled locally through J. E. Wrenn, district manager of the Department of Commerce. He has been made district compliance director for western Missouri, Kansas, Colorado and Nebraska.

All complaints on code violations are to be referred to Wrenn. He says his office will not be an enforcement agency, but will seek compliance through "explanation and education."

Prosecutions for violations are to be handled through the Federal Courts, according to William L. Vandeventer, U. S. district attorney.

Burlesque Hearing Is Set for Nov. 9

WASHINGTON, Oct. 30.—A hearing on the burlesque code has been set for Nov. 9 at the Mayflower Hotel before Deputy NRA Administrator Sol A. Rosenblatt.

The code proposes a minimum wage for principals of $30 per week with $20 for choruses in traveling shows and $17.50 for stock company choruses. A maximum week for actors is set at 52 hours, except during rehearsal periods.

Film operators, stage hands and musicians are to receive a minimum of $40 for a 52-hour week.

Union Loses a Move In Milwaukee Court

MILWAUKEE, Oct. 30.—A motion filed by the Independent M. P. Operators' Union, Local No. 110, for an injunction restraining Local 164, I. A. T. S. E., from interferring with the patrons of theatres manned by the independent operators, was dismissed in circuit court here today. F. Carney Nelligan, attorney for the independent union, has 20 days in which to file a reply.

Burt Carlisle, Minneapolis, national business manager of the independent union, stated that the independent union is starting a drive in this city and plans to have its operators in at least 50 per cent of the theatres here.

Peter Docter, president of Local 110; Ray Kuerin, vice-president; Lawrence Merkle, secretary, and J. J. Docter, business manager, through their attorney, have obtained an order from Circuit Judge Otto H. Briedenbach requiring M. F. Bell of Des Moines, Iowa, first assistant international business manager of the I. A. T. S. E., and his attorney, Nelligan, to show cause why they should not be restrained from collecting dues from members of the local. The suit charges that Bell is not an authentic representative of the union.

Boston Takes Jump in Five Of First Runs

BOSTON, Oct. 30. — Another good week, with grosses showing a steady increase, was the report from all first run houses. Keith's apparently is heading for more vaudeville for Mr. and Mrs. Jesse Crawford, at the twin consoles, completed their third week and additional features were added to the program, including a bridge specialist. Grosses showed an increase as a result.

Both RKO theatres and the Metropolitan were $4,000 above par, Keith's with "The Power and the Glory" and the Boston with "Charlie Chan's Greatest Case," while Metropolitan showed "Way to Love." "Bombshell" at Loew's State was good for $3,000 above par.

Fox had the unusual situation of supplying 50 per cent of the first run film for the Boston houses for the week.

Total first run business was $110,500. Average is $95,000.

Estimated takings for the week ending Oct. 19:

"CHARLIE CHAN'S GREATEST CASE" (Fox)

BOSTON—(2,900), 25c-50c, 7 days. Barbara Stanwyck in person. **Gross:** $20,000. (Average, $16,000.)

"DR. BULL" (Fox)
"FLAMING GOLD" (Radio)

FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

"THE POWER AND THE GLORY" (Fox)

KEITH'S—(3,500), 30c-50c, 7 days. Vaudeville. **Gross:** $20,000. (Average, $16,000.)

"BOMBSHELL" (M-G-M)

LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $19,000. (Average, $16,000.)

"WAY TO LOVE" (Para.)

METROPOLITAN—(4,350), 30c-65c, 7 days. Stoopnagle and Bud and Revue. **Gross:** $32,000. (Average, $28,000.)

"DR. BULL" (Fox)
"FLAMING GOLD" (Radio)

PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000.)

Waugh Reported for New Warner Zone

MEMPHIS, Oct. 30.—Formation of a new zone of theatres in Kentucky, Tennessee, lower Indiana and Ohio, with Howard Waugh, manager of the local Warner house, in charge was learned here today. William L. Hendricks, manager of the Warner Strand, Oshkosh, Wis., will take over Waugh's duties here.

It is understood expansion is planned by Warners in this zone, with houses to be added in Tennessee and Kentucky, including two in Louisville. Waugh, just back from a week spent in New York, says headquarters will be established either in Memphis or Louisville, with Memphis favored because of the presence here of all major film exchanges. Moe Silver of the Warner office in New York, is scheduled to meet Waugh in Louisville Wednesday for a trip over the entire territory and for the purpose of deciding definitely on a central office.

Waugh's idea of subsequent run theatres in key cities as a protection of Warner profits is expected to be adopted here and in Louisville, according to reports.

A Great Shown

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OCTOBER 27 1933

MILTON B ARTHUR
STATE THEATRE
LONG BEACH CALIF

JUST SAW ONLY YESTERDAY THE MOST MAGNIFICENT AND IN MY OPINION THE BIGGEST BOX OFFICE ATTRACTION THIS YEAR I WANT YOU TO DATE IT AS QUICKLY AS POSSIBLE AND RUN IT FOR TWO WEEKS STOP I KNOW YOU USUALLY CHANGE YOUR PROGRAM TWICE A WEEK AND RUN SOME PICTURES A FULL WEEK BUT YOU CAN TAKE MY WORD THAT THIS ONE WILL DO A BIG BUSINESS FOR TWO WEEKS

HARRY ARTHUR

an's Opinion of—

ONLY

ESTERDAY

(Note: Harry Arthur, writer of the wire reproduced on the opposite page, is known from Coast to Coast as one of the most successful showmen in the business. He is associated in the management of the Roxy, New York; Paramount, Los Angeles; Orpheum, San Francisco; State, Long Beach, and theatres at Santa Ana, Fullerton, Anheim, California and Boulder, Colo.

Reorganizing Set on Eight Para. Groups

(*Continued from page 1*)

in work, according to the report, include Seneca Holding Co. properties, principally the Broadway theatre block from 44th to 45th Streets and the Long Island studio; Paramount Bldg., New York; the Paramount and St. Francis theatre buildings, San Francisco; Paramount Theatre Bldg., Oakland; Paramount Theatre Bldg. and the Rialto, Portland; Paramount, Seattle; the West Coast studio and Paramount Theatre Bldg., Los Angeles; the Vine Street Tract and laboratory, Paramount Ranch and South Broadway Bldg. Co., Los Angeles. The last named was recently disposed of by sale. Others involve for the most part default of interest and matured principal on bond issues. The negotiations under way with bondholders' committees of the properties involved seek a reduction of interest rates and a postponement of the maturities.

The west coast studio and Paramount Theatre Bldg., Los Angeles, are subject to a lien on a $2,900,000 bond issue, a revision of which is now in work under the trustees' direction. Semi-annual interest and a maturity of $150,000 principal came due Sept. 1 and was paid out of the funds of Paramount Productions. The trustees' report states that the west coast realty problems of the bankrupt are of great importance and a representative of the trustees has been assigned to them exclusively, with permanent headquarters on the coast. The trustees' representative is John A. Dunlop of Root, Clark, Buckner & Ballantine, trustees' counsel.

Para. Claims Put At $319,000,000

(*Continued from page 1*)

filed in duplicate and a "large part" of the balance is regarded by the trustees as being "excessive and of doubtful provability." The work of liquidating the provable claims and of expunging the non-provable ones is now under way, according to the report.

It is unofficially stated that all but $30,000,000 to $35,000,000 of the total claims filed will be contested by the trustees. Of this amount, about $26,000,000 represents bondholders' claims.

Trustees Drop 20 Paramount Leases

Paramount Publix trustees have technically disaffirmed 30 service contracts and 20 leases, to date, it is recorded in their third report to the U. S. District Court here, filed Saturday with Referee Henry K. Davis.

Disaffirming of the contracts, it was explained by a spokesman for the trustees, is a formality in bankruptcy proceedings which does not necessarily terminate the services involved, but comprises only a formal notice to contract holders that the trustees are not accountable under the existing pacts, although the services may be continued. In the case of leases disaffirmed, many do not involve surrender of the premises under lease, but represent merely the termination of old leases and their substitution with new leases negotiated on more favorable terms.

Among service contracts disaffirmed since July 9, the date of the last Paramount trustees' report, are those with Emanuel Cohen, Sam Dembow, Jr., Russell Holman, Ralph A. Kohn, Famous Players Canadian Corp., Rouben Mamoulian, *Quigley Publishing Co.*, E. V. Richards, Ross Federal Service, George Schaefer, Sir William Wiseman, Technicolor Pictures Corp. and Adolph Zukor.

Among disaffirmed leases are those for the Alabama, Birmingham; Paramount, Brooklyn; Paramount, Fremont, O.; Paramount, Glens Falls, N. Y.; Paramount, Hamilton, O.; Florida, Jacksonville; Tennessee, Knoxville; Edison Bldg., Los Angeles; Paramount, Middleton, O.; Paramount Bldg., New York; Long Island Studio; Paramount, Oakland; Florida, St. Petersburg; Paramount, San Francisco; Madison-Toledo Bldg., Toledo; Paramount, Toledo, and the Penn and State, Uniontown, Pa.

Para's. Pay Cuts $2,973,672 a Year

Payroll reductions of home office and field personnel of Paramount Publix have averaged $2,973,672 annually up to the present, as compared with May, 1931, it is revealed in the third report of the company's trustees in bankruptcy, filed Saturday with Referee Henry K. Davis.

From the time of the company's bankruptcy in January of this year, up to August, average payroll reductions at the home office from reductions in both salaries and number of employes was 25 per cent. In the same period reductions totalling $2,385 per week were made in the salaries of 36 ranking executives of the company.

The following payroll reductions have been made: June, 1931, salaries of all home office and field employes were reduced on a graduating scale from five per cent to 25 per cent; January, 1932, all salaries above $50 per week were reduced from five to 10 per cent; April, 1932, a five per cent reduction on the first $50 of all salaries was made; summer, 1932, two weeks' vacation without pay for all home office and field employes put into effect; spring, 1933, all employes earning over $50 per week given 50 per cent reduction for seven-week period.

The average result of all the cuts amounted to a decrease of 9.7 per cent on salaries of $25 per week, and a 34.8 per cent decrease on salaries of $2,000 weekly. Thus, a $25 salary is now $22.57 and a $2,000 salary is $1,398.57.

Para. Buys "Melody"

HOLLYWOOD, Oct. 30.—Paramount has purchased Frank Leon Smith's original story "Melody in Spring" as a vehicle for Mary Boland and Charles Ruggles.

Lanny Ross, whom Paramount has signed to a long term contract, will also appear in the picture.

Postpone Publix Meet

Hearing of various lease claims against Publix Enterprises, scheduled for yesterday before Referee Henry K. Davis, was postponed to Nov. 6.

Thompson Goes on New Job at Radio

(*Continued from page 1*)

Nate Blumberg, new general manager, is expected from Chicago where he has been making his headquarters, either this morning or later in the week.

Phil Reisman, new foreign sales manager, is cleaning up current duties in the theatre department and is expected to assume his new post, for which incidentally, he specifically asked, in the next day or two.

Divisional managers gathering in New York to meet Thompson are Nat Holt, Cincinnati; Charles Koerner, Upper New York State, and New England; James Brennan, New Jersey and Washington, and the following Greater New York men: Charles MacDonald, Lou Goldberg and H. R. Emde.

Sale of Poli Gets Approval of Court

(*Continued from page 1*)

the plan S. E. Poli again will take over the circuit of 18 theatres with Louis M. Sagal, his son-in-law, to assume charge of operations. However, several details have yet to be ironed out and it may not be before Nov. 10 that Poli will operate. Halsey, Stuart & Co. are interested in new setup.

Negotiations by several major circuits for the houses are under way and, according to Sagal, the houses will not pass to another operator unless it is by "outright buy." There has been talk of Loew's taking the houses on an operating deal, but when asked about this Sagal said that "deals submitted so far are not satisfactory."

Stars for LaGuardia; Marquees for O'Brien

Louis Nizer, chairman of the film division of the LaGuardia campaign for mayor, last night was rounding out plans for an open air parade of film and stage celebrities in connection with a Madison Square Garden rally planned for Thursday night. Fifty touring cars holding the marquee luminaries, followed by other cars with exhibitors and union delegations, will figure in the line of march from Columbus Circle to 42nd St. and back to the Garden, he declared.

Joseph Gransky and Arnold Van Leer, chairman of the Democratic Theatrical Division, are finding Mayor O'Brien's speeches from the marquee of the Criterion so successful, they say they plan two more this week for their candidate. A Democratic "Victory Drive" also will feature film, stage and radio personalities, but whether the same as those who will parade for LaGuardia is not known.

Jersey Allied Meeting

First general meeting of Allied of New Jersey since the eastern Allied convention in Atlantic City will be held today at the unit's local quarters. The annual convention was held Sept. 25-27. Sidney Samuelson, president, will preside and detail discussions at the Allied Chicago meeting last week.

Heavy Italian Tax Effective Soon on Films

(*Continued from page 1*)

lire (about $1,750) on each dubbed film. It provides, in addition, that no foreign versions can be exhibited here with their original dialogue. Part of the proceeds of the new taxes will be paid by the government, as premiums to Italian producers.

The American protest of discrimination was based on a section of the law which permits native producers to complete three foreign films free of tax for every Italian picture produced in their studios. The Italian government was not impressed by the American agents' estimate that the law would result in reducing Italian film revenue by about 15,000,000 lire (about $1,050,000) through resultant decreased distribution of foreign films and would put many Italians now working in the import film industry out of work.

Opinion in foreign distribution circles here is that many American distributors would be forced out of the Italian market by enactment of the new taxes and dubbing law, while the revenue of remaining companies in that market would be seriously curtailed.

Shanberg's Publix Deal Reported Cold

MINNEAPOLIS, Oct. 30.—Recent negotiations by M. B. Shanberg and associates of Kansas City for Publix Northwest theatres, comprising the F. & R. group, are now reported "cold." It is understood the Shanberg deal involved a proposal to retire a $550,000 mortgage, held as first lien against the properties by William Hamm, Jr., the receiver. Hamm is quoted as saying that any intended purchaser will be obliged to furnish sufficient cash to lift the mortgage.

Shapiro Speeding Up Majestic's Output

Divorcing himself from supervision of sales for Majestic, a post he assumed several months ago, William D. Shapiro has turned to production as assistant to Phil Goldstone. He is now on the coast aiding Goldstone in speeding up production. The third of 12 releases, "Sin of Nora Moran," has just been competed with Zita Johann, John Miljan and Alan Dinehart in the cast.

Shapiro's shift followed entrance of Max Weisfeldt into Majestic as general sales manager. Weisfeldt succeeded John Weber, who was appointed foreign sales manager.

Giegerich Rejoins Celebrity Pictures

Charles J. Giegerich yesterday rejoined Celebrity Pictures which plans a series of cartoons in Cinecolor. Ub Iwerks is doing the cartoon antics. First release is practically ready.

Giegerich is in general charge of the company.

THOSE INTERESTING

COMPOSITE SHOTS

in the pictures you show have called for new ingenuity on the part of the producer. What is more, the photographing of the backgrounds has definitely demanded a special new type of raw film. Eastman Background Negative—recently announced and now widely used—is the answer. Possessing unique characteristics, it dovetails perfectly with this important technical advance. It greatly enhances the beauty, effectiveness, and value of projection background "shots." Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN

BACKGROUND NEGATIVE

Fox Making Search For Latin Players

HOLLYWOOD, Oct. 30.—Fox Films' survey of the foreign production market reveals that the Spanish speaking countries are fed up with the same faces appearing in Spanish pictures. To rectify this condition, the studio is promoting a silent campaign for new Latin talent and has spotted scouts both in New York and Hollywood with the intention of strengthening the contract list.

The new move, according to reports, has been somewhat stimulated by Warners' entry into the Spanish production field, althouugh Fox has been substantially entrenched in this department for several years. The studio now has about four Latin players under contract.

Ohio Tax Fight to Be Outlined Today

COLUMBUS, Oct. 30.—Independent exhibitors in all sections of Ohio have been asked to attend the state wide mass meeting at the Deshler-Wallick here tomorrow, when, under the leadership of P. J. Wood, business manager of the Ohio exhibitor unit, plans will be formulated for an attempt to secure repeal of the existing 10 per cent state tax levied on all admissions over 10 cents, effective since Sept. 1. The matter is expected to be brought to an issue when the legislature reconvenes shortly after Jan. 1.

Fixing of the exemption in the lower bracket is said to be the outgrowth of internal dissension in exhibitor ranks.

Exhibitors view the tax as discriminatory and ruinous, contending that the industry should not be singled out to bear this burden, and that their business is being seriously affected thereby.

A general sales tax in Ohio looms as a possibility through the lowering of real estate taxes, as provided by a constitutional amendment which still is on the calendar.

Book on Settings

"Settings and Costumes of the Modern Stage" is the title of a new book from The Studio Publications, Inc. It is reprinted from an English edition. While illustrations are confined solely to stage technique developed in Europe and this country in recent years, it may be of interest to film studio art departments.

There are two articles on theatre art developments and their trends. One, by Theodore Komisarjevsky, is devoted to Europe, and the other, by Lee Simonson, covers the field in this country. The illustrations, some of which are in color, cover the work of 136 artists, with the names of the plays from which the illustrations were taken. —J. M. J.

"Keyhole" Opening Set

"Broadway Thru a Keyhole" will be shown at a midnight preview at the Rivoli Wednesday. Among the Broadwayites invited are Frances Williams, who is featured in the film; Rudy Vallee, George M. Cohan, Kate Smith, Lou Holtz, Nancy Carroll, Helen Broderick, Joe Weber, Bobby Crawford, Fred Allen and Ed Wynn.

Paid After 8 Years

Hollywood, Oct. 30. — The Rip Van Winkle of the films was discovered this week, when Louis Becker, extra player, appeared at the M-G-M cashier's window to collect on a voucher for a day's work he did eight years ago.

When Becker finished work in "Blarney," a prizefighter story featuring Ralph Graves and the late Renee Adoree way back in 1926, he found the cashier had gone home. Subsequently he lost the check and only discovered it recently when rummaging through a suitcase.

Theatre Men Appear Before Grand Jury

KANSAS CITY, Oct. 30.—Following public complaints made by clergymen regarding the type of shows in certain theatres, the Jackson County Grand Jury in session here summoned a number of theatre men.

It was learned the Grand Jury had decided to inquire into reports some theatres were presenting "immoral and obscene" performances. Eugne C. Reppert, director of police, was a witness.

"Cradle Song" to Para.

Plans for showing "Cradle Song" at two-a-day at the Criterion have been dropped by Paramount with dating yesterday of the first American Dorothea Wieck film into the New York Paramount to follow "I'm No Angel," which is now set for four weeks.

"Spirit of '33" Okayed

Seven of the heads of Federal Government departments are reported to have given official approval to "The Spirit of '33," a serial tracing the history of America which is being made by Edward F. Hurley for distribution by the J. H. Harper Producing and Distributing Co. of New York.

Disney Closes Color Deal

HOLLYWOOD, Oct. 30.—Walt Disney has closed a deal with Technicolor to process the balance of the Mickey Mouse cartoons in color along with his present series of "Mother Goose" cartoons.

Zanft Held Option On Roxy, He States

HOLLYWOOD, Oct. 30.—John Zanft, former Fox vice-president, revealed a bit of history on his arrival from New York when he divulged the fact he had held an option on the Old Roxy for a year. The theatre, he added, was to become a link in a circuit which he had proposed developing.

Zanft said he had a hankering to reenter exhibition but that when Sam Katz came along in January with what looked like a feasible project, he gave up a lucrative brokerage business in New York to become Katz's partner. Zanft says he thought the time was propitious for the formation of a theatre circuit, as houses were becoming available as a result of the breaking up of the large circuits.

The original plans were for theatres only, said Zanft, but when Katz and he arrived in Hollywood last March and Katz issued statements to the newspapers about a big production project and intentions to draw stars and directors from established companies, he thought it best to sever the relationship immediately. Whereupon Zanft says he returned to New York without further ado.

His present trip west has no particular significance, he said. He was accompanied here by Jack Emanuel, a New York stock broker.

Expect Ontario Tax To Reach $900,000

TORONTO, Oct. 30.—A preliminary report by E. A. Dunlop, provincial treasurer, gives revenue from the amusement tax in Ontario for the fiscal year now closing as approximately $900,000.

Dunlop stated this was one item which was well above government estimates made at the beginning of the year and that tax returns from theatres had mounted steadily in recent months, indicating better business. Practically all other receipts are below estimates, except the gasoline tax.

Albert M. Irwin Dead

HAMILTON, O., Oct. 30.—Albert M. Irwin, 64, operator at the Rialto, died suddenly at his home here. He was the oldest projectionist in point of service in this section of the country, having been in the business for nearly 30 years.

Goldwyn Blasts Warner's Charge

(*Continued from page 1*)

of the clause in the industry code forbidding star-raiding, Samuel Goldwyn in a statement today denied his action was the result of a dispute with the NRA authority, asserting his studio was "the first to join the NRA."

"We have received no criticism or complaint from the government," said the producer. "My resignation was based on my refusal to be the member of any organization that harbors or protects Warner Brothers. I resigned long before the NRA points were in dispute.

"It was Warners who were guilty of the most reckless star-raiding, pirating Kay Francis, William Powell and Ruth Chatterton. When Jack paid an actress [referring to Constance Bennett] $30,000 a week, this industry became the laughing stock of the country's headlines. I had a dance director working under a contract calling for his exclusive services. He became tired and distracted during the day when he should have been alert, as countless people depended upon his direction. On investigation I found Warners were pirating his services at night. I took the matter up with the Hays office, with Jack called in to explain his action. His answer was, 'What can I do about it?' Warners could do nothing about it and the association could do nothing about it. So I resigned."

Lightman Gets Help Of Court on Pickets

MEMPHIS, Oct. 30.—M. A. Lightman has secured an injunction in Chancery Court limiting union workmen to peaceful picketing of the Strand and Princess, his non-union houses.

Granting of the injunction eliminated the distribution of cards in front of the theatres and forced the union pickets to cease loud talking and other boisterous acts.

United Artists Now Offering 20 on List

United Artists is now offering 20 pictures on the new season's lineup, the exact total still indefinite. This figure does not include three Samuel Goldwyn productions, "Nana," "Barbary Coast" and "Roman Scandals," which are first reviewed by the home office before a selling policy is set.

K. C. Ball Set Dec. 4

KANSAS CITY, Oct. 30.—The Kansas City film industry will stage its third annual charity ball at the Pla-Mor ballroom Dec. 4. Frank Hensler, M-G-M branch manager, is general chairman. Committees will be announced next week. Proceeds of these affairs are devoted to relief of needy persons within the local industry.

Minnesota Opens Nov. 3

MINNEAPOLIS, Oct. 30.—The Minnesota, the northwest's largest house, which has been dark for nearly a year, will be definitely opened Nov. 3, according to John J. Friedl, general manager of the Minnesota Amusement Co.

Universal Pfd. Rises One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22	21	21	—1	200
Consolidated Film Industries, pfd	9½	9	9	— ⅜	400
Eastman Kodak	74¾	70¾	70¾	—3¼	600
Fox Film "A"	15½	15	15	.....	1,600
Loew's, Inc.	29	25⅞	26	—2½	1,200
Paramount Publix	2⅛	1⅞	1⅞	— ¼	1,300
Pathe Exchange	1⅜	1¼	1¼	— ⅛	100
Pathe Exchange "A"	8½	8½	8½	+ ¼	100
RKO	2¾	2½	2½	— ⅛	600
Universal Pictures, pfd	19¾	19¾	19¾	+1	2,000
Warner Bros.	7	6¼	6½	— ¼	.....

Technicolor Off Half Point

	High	Low	Close	Net Change	Sales
Sentry Safety Control	¼	¼	¼	.....	100
Technicolor	10½	10	10	— ½	100

General Theatre Up One Half

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4½	4½	4½	+ ½	1
Paramount Broadway 5½s '51	30½	30½	30½	— ⅜	1
Warner Bros. 6s '39, wd	40¾	40¼	40¼	+ ¾	6

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 104 NEW YORK, WEDNESDAY, NOVEMBER 1, 1933 TEN CENTS

Para. Again Hearing Name Of Nathanson

Activity of Wiseman Is Reviving Rumors

With Sir William Wiseman, partner in Kuhn, Loeb & Co., assuming an active part in plans leading to a reorganization of Paramount, the name of N. L. Nathanson is again being mentioned as a potential factor of importance in the company's affairs.

Nathanson, some months ago, was a candidate for the Paramount presidency largely at the behest of Wiseman and the banking firm with which he is affiliated.

"N. L.," since that time, has assumed the presidency of Famous

(*Continued on page 6*)

Independents Call Meeting on Strike

Declaring they will continue the local film buying strike started Oct. 24 because of the percentage demands of the major companies, members of the ITOA yesterday called a meeting of independent exhibitors in the metropolitan area to be held at the Astor tomorrow afternoon at 3 p.m. Action to be taken will be decided at that time.

Arthur Abeles, Nathan Hirsh, Hyman Rachmil, Jack Hattan, Leo Justin, Russell Cohen and Abraham Drogan were named as a committee to review all pictures of First Division and all other independent exchanges and to report back later on booking possibilities.

Ohioans Map Plans To Battle 10% Tax

COLUMBUS, Oct. 31.—Plans for a fight on the 10 per cent admission tax in this state were mapped at a meeting of independents at the Deshler-Wallick here today and moves were made for the formation of a

(*Continued on page 6*)

"U" Probably Will Handle "Midnight"

"Midnight," produced by Chester Erskine, well known New York stage director, probably will be distributed by Universal. The picture was produced at the Biograph studio in the Bronx.

Academy Set for Battle Against the New Guilds

HOLLYWOOD, Oct. 31.—Continuation of the Academy of M. P. Arts and Sciences along present lines and a fight to a finish against the new guilds were decided upon by the board of governors at an early hour this morning.

Lester Cowan, executive secretary, was given a vote of appreciation for his work in Washington in connection with the industry code. Members of the board expressed the opinion that the Academy will be much stronger when the truth about the part the Academy played in the formulation of the code is made known.

It was decided to start a membership drive and set up a finance committee.

Full publicity on all proceedings leading to the code adoption was decided upon. It will be brought out, it was stated, that prior to the Washington code sessions, the Academy had reached an agreement with producers on provisions affecting creative talent, but that this agreement was negatived by the protests of a few high-salaried players.

It was agreed that the only sensible choice for talent is to cooperate with the government in giving the code a fair trial. There will still

(*Continued on page 4*)

Laemmle for Star Raiding Ban in Code

ALBUQUERQUE, Oct. 31.—Carl Laemmle is for Article 5 and its restrictions on star raiding in the industry code, he said here during the pause of the westbound Chief on which he is returning to the Coast from a European trip.

He declared he was opposed to secret and premature negotiations for talent as well as to other raiding tactics.

The veteran Universal president stated he had not had time to read the code since his return from abroad, but he understood, he said, that there is something in it to benefit everybody. He said he had been informed it gives independent exhibitors a good break.

Company business was very good in Europe, Laemmle said.

'Harpies' Goal Of Hot Attack By Rosenblatt

Capping his summary and interpretation of code provisions relating to exhibition with a vitriolic denunciation of "agitators and false prophets" among "self-styled exhibitor leaders without five cents investment in the industry," Deputy Administrator Sol A. Rosenblatt called upon exhibitors to "refuse to deal" with these "destructive" elements within the industry in his address to the Southeastern Exhibitors Ass'n at Atlanta on Monday.

Definitely identifying the objects of his attack as those identified with independent exhibitor organizations, at least one of whom he associated with last week's Allied States mass meeting in Chicago, Rosenblatt's Atlanta

(*Continued on page 4*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Little Women"

(*Radio*)

HOLLYWOOD, Oct. 31.—Katharine Hepburn, in all her box-office glory, gives another accomplished display of talent in "Little Women."

Probing deeply into emotional realms, blending pathos with rippling humor, drama and romance portrayed by a select cast thrum the heart strings with an appeal powerful and poignant.

Based on Louise Alcott's famed classic for young folks, the film's story and sentiment sweep across the family circle of the Civil War

(*Continued on page 7*)

Johnson Goes Into Session With Allied

Expected to Take Code To President Soon

WASHINGTON, Oct. 31.—Allied representatives were in conference here tonight with Administrator Hugh S. Johnson and Deputy Administrator Sol A. Rosenblatt. The group was asked to come to Washington by Johnson to lay before him the complaints voiced at the Chicago meeting last week.

It is expected here Johnson may conclude his consideration of the code following this meeting and send it to the White House tomorrow or Thursday, in which event it is believed the President will give the code his approval before Johnson leaves for his trip Friday to Chicago, the first stop on his 10-day swing through the western states.

Banker Explains His Rosenblatt Telegram

ELYRIA, O., Oct. 31.—It is understood that satisfactory explanation has been made to Deputy NRA Commissioner Sol A. Rosenblatt by the Elyria Savings and Trust Co. of this city for a telegram sent to Washington in protest against the film code called "phony," and which was said to be the basis of an investigation by the Department of Justice.

H. H. Nye, official of the Elyria Savings and Trust Co., it is said,

(*Continued on page 4*)

Stanley, General Again Suing Erpi

WILMINGTON, Oct. 31.—The Stanley Company of America, General Talking Pictures and Duovac today filed a motion in a triple damage suit against Electrical Research Products.

In connection with the new Delaware action, Erpi's legal department

(*Continued on page 6*)

Says Columbia Sales Have Risen 45.2%

Columbia sales this year are 45.2 per cent ahead of last year at this time, asserts Abe Montague, sales manager. This is in the face of all the handicaps with which the year started, he says, including a six-week

(*Continued on page 6*)

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Amalgamated Offer Rejected by Bowes

Studio facilities of the Amalgamated Broadcasting System, formerly headed by Ed Wynn, have been rejected by M-G-M, Major Edward Bowes said yesterday.

Admitting that M-G-M is interested in acquiring new broadcasting studios, Major Bowes said the "Amalgamated studios were offered to us but have been rejected."

A transmitting station for the new M-G-M broadcasting activities opens soon at Astoria, L. I., and, it is planned, will eventually supersede WRNY, WQAO, WHN and WPAP all of which are M-G-M owned. The new studio is intended to be operated in connection with the new transmitting station.

Strand Leads Bowlers

The Strand is leading the second week of the film bowling league with a total of five games won and one lost. The Palace is second, with Columbia, the Capitol, Majestic and Orpheum trailing in the order named. Columbia has the high team game record to date, 803, and McEntee, of the Orpheum, leads the individual averages with 1,114 pins.

"Henry" for a Week

The Radio City Roxy will hold "The Private Life of Henry VIII" over for an entire week, instead of changing the program on Wednesday as has been the custom.

Frederick B. Wiley Dead

BOSTON, Oct. 31.—Frederick B. Wiley, pioneer operator and for years with the Scollay Square, died yesterday at his home in Wakefield, Mass. He was a World War veteran.

Jean Harlow Recovers

LOS ANGELES, Oct. 31.—Jean Harlow is back at her Beverly Hills home after 15 days in the hospital recovering from an appendicitis operation.

Insiders' Outlook

HARD to dodge that Nathanson man. The name persists in the Paramount picture, despite his current job as head of Famous Players Canadian. A hot one that hit the deck early last night had to do with Sam Katz and his former love at the crossroads of the world. The downtown group has been talking to Sam about a return engagement, this yarn insists, and it would have nothing to do with theatres. Among the unconfirmed, likewise, is the one that had to do with Harold Franklin getting out of Radio and Katz maneuvering to get in—that is, after Harold had walked. . . .

▼

There's an undercurrent of something or other in John Zanft's turning back pages on Katz's recent production venture. Sam's sale of his expensive-to-build estate, back of Adolph Zukor's place up New City way, to the Southern Pacific Huntingtons broke yesterday. It happened at least two weeks ago, but what's more interesting is the fact the estate was turned over for cash. . . . Kidding Herman Robbins and Toby Gruen at the Astor the other day, remarked some one: "It's about time for some one to start another trailer company so you fellows can buy it out, isn't it?" Answered Toby: "Is that nice; just when I'm sitting down to lunch?" . . .

▼

More about "Only Yesterday" later, but this much in a hurry: Universal has a peach of a woman's picture in this one, which John M. Stahl took eight months to make, including the recent technicians' strike on the coast. In it appears Margaret Sullavan. So what, you say? So this: An unknown, who played the ingenue in the New York stage production of "Dinner at Eight," she's got something and shows it in her first picture. The cast is good, but Miss Sullavan is better, much better. She'll go places by benefit of direction and material. . . . Her story is an interesting one and press agentry plays no part in it. Universal had been tipped off about her, principally through Charlie Beahan. . . .

▼

It was one heluva job to make her submit to a test. When Stahl saw it, he dropped all other ideas and insisted upon her for his lead. Then came a tough road to travel, all having to do with contracts and the like. The Sullavan girl simply refused to get excited except for her excitement attendant upon avoiding Hollywood. Finally came a five-year contract with a clause permitting her to cancel out in eleven days. That was to give her a chance to see if she liked "U," if "U" liked her and if she liked Hollywood. Having finished her first picture, she's in the swim. When the film gets going, there won't be any need to depend upon this column and its forecast about her. The proof is right on celluloid. . . .

▼

Is Terry Turner returning to RKO and will some of the executives who once worked there work there again? Just a Broadway brand new Broadway rumbling. Those overseas cables would indicate it's a new campaign of aggression against American films. Not so, say the foreign sales managers, but a repeat on the well defined attitude abroad of trying to meet deficits by new taxables and of giving

(*Continued on page 7*)

Most Issues Remain Steady

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3⅜	3⅜	3⅜	+ ⅛	100
Consolidated Film Industries, pfd	9	8⅞	9	.....	300
Eastman Kodak	71	70¼	71	+ ¼	500
Fox Film "A"	14¼	14¼	14¼	— ¾	200
Loew's, Inc.	26¾	25⅝	26¼	+ ¼	1,200
Paramount Publix	1⅞	1⅝	1⅞	.....	300
Pathe Exchange	1¼	1⅛	1⅛	— ⅛	100
Pathe Exchange "A"	8¼	7⅞	8¼	+ ¼	400
RKO	2½	2⅜	2⅜	— ⅛	200
Warner Bros.	6½	6⅛	6¼	— ¼	3,000

Technicolor Up One Eighth

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	⅜	⅜	⅜	+ ⅛	200
Sentry Safety Control	¼	¼	¼	.....	200
Technicolor	9¾	9½	9¾	+ ⅛	400

Paramount Publix Drops One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4⅜	4	4	— ½	10
Keith B. F. 6s '46	46¼	46¼	46¼	+1	5
Loew's 6s '41, ww deb rights	84½	84½	84½	— ⅜	3
Paramount F. L. 6s '47	28½	28½	28½	— ½	5
Paramount Publix 5½s '50	29¼	29	29	—1	14
Warner Bros. 6s '39, wd	39¼	39	39	— ½	6

Purely Personal

EMIL LUDWIG, the biographer, gets in from the coast today on his way back to his home in Locarno, Switzerland. He has been working for Warners on a picture based on the life of Napoleon.

BILL STEINER, cameraman at the Eastern Service Studio, has gone to Paramount News to shoot a few there. LARRY WILLIAMS, who recently returned from London, will do the shooting at Eastern Studio.

ANN RONELL, composer of "Who's Afraid of the Big, Bad Wolf," has written a song for "Joe Palooka" and is doing the music for "Alice in Wonderland." MISS RONELL is SOL ROSENBLATT's sister.

JOEL MCCREA and FRANCES DEE have been forced to cut short their honeymoon as the result of a call from Radio that MISS DEE proceed to Fort Myer, Va., for her role in "Rodney."

STEVE TRILLING, vice-president of the Warner Club in charge of entertainment, handled arrangements for the Hallowe'en eve party and dance the other night at the clubrooms.

HUNT STROMBERG, producer of "Eskimo," will come to New York next week to be present at the opening of the feature at the Astor on Nov. 14.

TAMAR LANE, editor of the *Film Mercury*, Hollywood, is in town at the Hotel Lincoln. He motored across the country.

HENRY KING and his orchestra have been signed for an Educational short to be produced at the Eastern Service Studios.

JAMES MELTON will start work soon on one of the Educational "Song Hit Stories" at the Eastern Service Studio.

C. C. PETTIJOHN, DAVE PALFREYMAN and DAVE HOCHREICH among mid-day diners at the Algonquin yesterday.

PAUL LUKAS arrived from Hollywood by air last night and sails on the *Ile de France* Saturday.

RUSSELL MARKERT, who has been directing dances for 20th Century's "Moulin Rouge," is back.

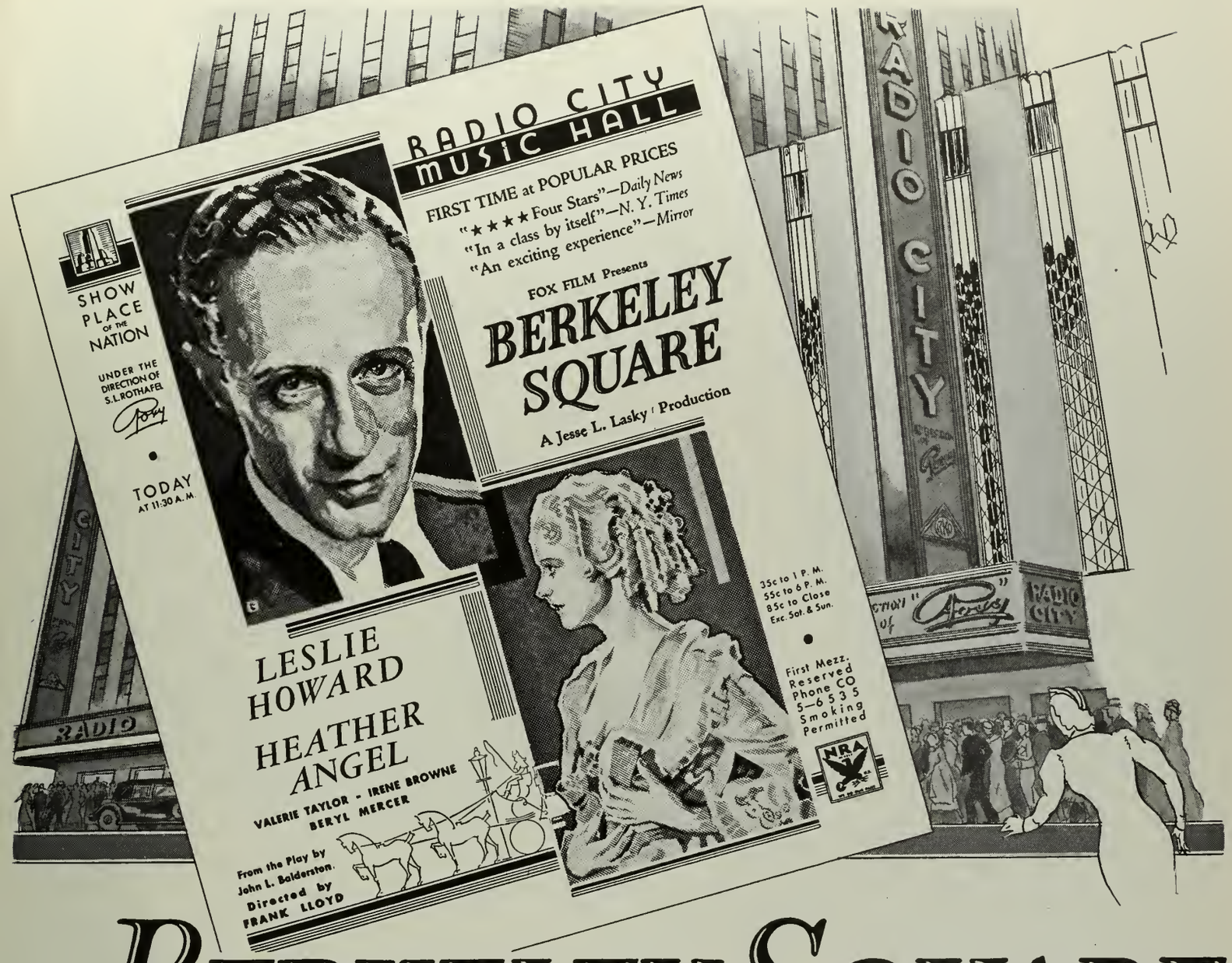
BING CROSBY is back from picture work on the coast to resume broadcasting.

HARRY LICHTIG of LICHTIG and ENGLANDER, coast agents, is in town. At the Warwick.

LUCILLE BALL, show girl in "Roman Scandals," arrives here by plane today.

MILT COHEN, Vitaphone's storekeeper, will take the big leap on December 31.

WILLIAM ANTHONY MCGUIRE has sold "Disillusion" to Fox for early production.

BENNY DAVIS and JAMES HANLEY will do the songs for the Educational short featuring LILLIAN ROTH.

BERKELEY SQUARE

RADIO CITY MUSIC HALL (5,945;34-55-57), 'Berkeley Square' (Fox) and stage show. Two-a-dayed at the Gaiety, after an intervening week's rest, this one is doing remarkably well over here and may get $90,000.

—("From Variety")

STARTING ITS NATIONAL POPULAR-PRICE PROFIT PARADE AT RADIO CITY MUSIC HALL...AFTER SIX SMASH WEEKS AT THE $2 GAIETY, NEW YORK... NOW IN ITS FOURTH $2 WEEK AT THE LOCUST, PHILADELPHIA.

JOIN THE UPSWING WITH FOX

'Harpies' Goal Of Hot Attack By Rosenblatt

(Continued from page 1)

attack is regarded as his reply to the criticism of himself and the code contained in resolutions adopted at the Chicago exhibitor meeting. Allied States, however, is nowhere mentioned in Rosenblatt's address by name.

Discussing his reasons for excluding the right to buy from the code and dissatisfaction in Allied ranks over representation on grievance and other administrative boards set up by the code, Rosenblatt said:

"One self-styled exhibitor leader, who so far as I know hasn't got five cents invested in the motion picture industry, as recently as nine days ago and a few hours before he left for Chicago, was unable to give me an intelligent answer as to how the 'right to buy' which he advocates would work in a given situation.

Sees Need for Reason

"I have found after the most thorough consideration of these buying problems, and after carefully searching my files of letters from exhibitors, that in this industry every exhibitor's problems is peculiarly his own. I further found that this industry must be governed by reason and common-sense in each situation as it exists or arises and that this industry cannot be governed by slogans and catch-words.

"I found that from Maine to California 85 per cent of exhibitors' complaints were that competitors had been guilty of overbuying and of adopting unfairly competing operating policies. I further found that the next 10 per cent of exhibitors' complaints were with respect to unfair and unequitable clearance and protection and that the remaining 5 per cent of complaints were of general miscellaneous character, including a complaint from an exhibitor paying $5 each for feature motion pictures that such license charge was too high.

Explains Clearance Boards

"In view of all the foregoing, and in order to eradicate the abuses which exist, local clearance and zoning boards and local grievance boards are provided for under the proposed code. I expect their membership to be of good citizens, of men who are highly regarded in this industry, of men of good repute, and I expect their decisions to be fair, impartial and just. A representative of the administrator will sit with each of such boards just as three representatives of the administrator sit with the code authority, in order that the public interest may be protected and safeguarded. The work of these boards will and must be carefully supervised and the rights of all persons who appear before them will and must be carefully regarded.

"If these boards do not accomplish that for which they are intended, further provisions will undoubtedly have to be formulated.

Decries Advance Criticism

"No man alive is entitled to criticise in advance these boards and their functions. Criticism will come with more grace and justification if these boards fail in that which they are created to do.

"You must know and realize that these grievance boards will not be sitting primarily to hear and determine the rights which exhibitors may have when they go into the courts and bring a lawsuit. These boards are to determine cases where exhibitors may have no legal rights whatsoever. Their jurisdiction has designedly been made very broad. They constitute a new and constructive advance in self-regulation and self-discipline by industry.

"In keeping with their expressed desires that they have tribunals within their own industry before which they may lay complaints and grievances, representative exhibitors throughout the country have lauded the creation of these boards. Will you imagine my amazement when one of these so-called exhibitor leaders who is not a bona fide exhibitor was before me for a lengthy period of time just nine days ago demanding that the jurisdiction of these boards should be strictly confined to matters only within the code. This person, apparently, would deny to the exhibitors of the country their right and privilege to an open discussion and an open determination of their problems in case particular reference to such problem was not contained within the proposed code.

"Now, in the very moment when a marked advance is about to be made by this industry in coordinatnig the activities of its three economic divisions, and of attempting to replace discord and friction with harmony and cooperation, we are presented with a spectacle of false prophets and professional agitators arising to shout their empty and evil prophecies into the ears of the members of this industry.

"Perhaps these agitators would have turned into possible cooperators if the code had provided that other persons than bona fide executives and bona fide exhibitors could be seated in places of high authority within this industry.

"However, at this very moment, when our great President is asking for your cooperation with his administration in attempting to help solve the difficult problems of this nation, including the difficult problems of his industry, our ears are assailed by the raucous evil cries of the professional harpies of this industry who make their money living upon the life blood of independent exhibitors.

Challenges "Chiselers"

"Our President has challenged the chiselers of this nation—I challenge the chiselers of this industry!

"Our beloved President has warned the money changers in our country, and I warn the unholy money collecting parasites now circulating among our exhibitors.

"This nation, as well as this industry, can have no place for industrial termites. I tell you that this industry has suffered too long from those who feed the loco weed to our exhibitors. I ask you to refuse to deal with those who like the boll weevil in the cotton are attempting to destroy by their efforts the legitimate business of this industry.

"The National Recovery Administration is determined to go forward in its great work under the guidance and leadership of President Roosevelt and General Hugh S. Johnson. It cannot be swayed or deterred from its purpose by innuendoes and aspersions cast upon the honesty and sincerity of its motives. It cannot be threatened or coerced by self-styled leaders of industry, or by those members of this industry who are motivated solely by self-interest without regard to the welfare of the overwhelming majority of members of the same industry.

"This is too big, too great and too important an industry to be led astray from a brilliant future. With the proposed code in operation, and with its workings being carefully supervised and watched over by the Administrator, this industry should be a better and more profitable one for its producer, distributor and exhibitor members.

"In recent weeks, with this Administration lending its active support to the general welfare of industry, approximately five hundred motion picture theatres have re-opened with resulting employment to numerous persons heretofore out of work and with profit to the exhibitors running those theatres. This would appear to be progress in the right direction. Those exhibitors, and I hope all of you here, face the future with courage and with renewed hope in the efforts of our President."

Banker Explains His Rosenblatt Telegram

(Continued from page 1)

has written to Rosenblatt substantiating over his personal signature the content of the telegram.

The wire was okayed by Nye's secretary in his absence from town. Upon his return he was not notified about it, so when an acknowledgment arrived from Washington, he responded with the statement that he knew nothing about it.

The telegram, which has stirred up so much dust read as follows: "Independent theatres depend on your fairness for existence."

Allied Discussing Closing as Protest

MINNEAPOLIS, Oct. 31.—Members of Allied States unit of Minnesota and South Dakota are discussing plans for closing their theatres Dec. 1 as a protest to the ratio of membership on the code authority as it is now reported to be constituted.

The exhibitors contend that the reported setup of the board does not give independent interests a 50-50 representation.

Churchmen Act on Code

WESTFIELD, Mass., Oct. 31.—Members of the Men's Club of Second Congregational church have wired President Roosevelt asking investigation into block buying of films and demanding provision be included in the NRA code against the alleged practice.

Chaney Widow Dead

HOLLYWOOD, Oct. 31.—Hazel Genevieve Chaney, 46, widow of Lon Chaney, died this morning at Saint Vincent Hospital here after a lingering illness that kept her in a hospital bed since Sept. 28.

Sally Eilers-Fox Agree

HOLLYWOOD, Oct. 31.—The dispute between Sally Eilers and Fox Studios has been settled and the actress is back on the payroll. Her next assignment is still up in the air.

Academy Set For a Battle Upon Guilds

(Continued from page 1)

be opportunity, it was agreed, to get revision of objectionable items, and the Academy should make every effort to get changes on the following seven points:

1. Protection for production unit workers above $70 per week, who are disregarded in the code, with neither limitation of hours nor spread of employment.

2. Free lance actors should receive protection against unlimited hours for a day's pay.

3. As the code guarantees that rules of fair practice and appropriate penalties will be worked out, power to register or license agents now included in the code is neither necessary nor desirable.

4. Code authority's power to blacklist artists usurps the powers that belong in courts to interpret contracts. Before the government backs the letter of contracts with any such machinery the whole contract system in films should be examined thoroughly and the deciding body on particular cases should be one that can be impartial between employer and employe.

5. The $10,000 fine clause remaining from the salary board idea in Article 5 is unsound in principle and so vaguely worded as to have no definite meaning, but will be a continuous source of suspicion and irritation.

6. The Academy is still opposed to the present form of Article 5.

7. The code authority lacks direct representation in Hollywood. Even if the code authority should be composed entirely of producers, some of them should have the west coast viewpoint instead of permitting the authority to be entirely dominated by the east.

Jersey Allied Talks Code

With Sidney Samuelson presiding, Allied of New Jersey yesterday held its regular meeting, the first general session since the eastern Allied convention in Atlantic City a month ago. Discussions centered about developments at the Chicago mass meeting last week.

To Start "Disillusion"

HOLLYWOOD, Oct. 30.—Fox has taken "Disillusion" from the shelves and has handed it to William Conselman to work up into screen material. Irving Cummings will handle the directorial reins.

The story was once announced as a vehicle for Elissa Landi.

Routine Hays Meeting

Directors of the Hays organization held a routine meeting yesterday. Developments were routine in view of the fact that Nicholas M. Schenck is in Hollywood and Sidney R. Kent in Europe.

Delay Federation Meet

Although originally planned for last night, the meeting of the Federation of the M. P. Industry will be held tomorrow night instead. Place: Park Central. Time: 8 P. M.

Entrancing as an Angel
Dangerous as the Devil!

CONSTANCE *Bennett*

in

"AFTER TONIGHT"

with

GILBERT ROLAND

As "K-14", Spy! . . . she bewitched men's hearts and sent regiments to their death! But her own heart was crying out for the man she must now betray!

★

That glamorous lady, Constance Bennett in the arms of Gilbert Roland will send tingling thrills up and down the spines of your feminine audience for they've never seen her more alluring . . . or love scenes more tantalizing . . . than in this stunning tale of a spy in love and a conqueror the captive of his prisoner!

★

S. R. O. . . . BANK ON IT!

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

Directed by George Archainbaud
MERIAN C. COOPER, Executive Prod.
H. N. Swanson, Associate Producer

Para. Again Hearing Name Of Nathanson

(*Continued from page* 1)

Players Canadian Corp., largest single theatre company across the international border and dominant exhibition factor in Canada. The inside story has persisted for weeks that his return to Famous Players Canadian, a company in the development of which he played a vital part, developed by way of a compromise in the plan to set him in the Paramount presidency. The move to headquarter him in New York in complete charge of the company's operations met with opposition from veteran Paramount executives.

When Schaefer was appointed general manager of the organization some months ago, the promotion was viewed as Paramount's indirect answer to the then persistently recurring reports that Nathanson was on his way in.

Ohioans Map Plans To Battle 10% Tax

(*Continued from page* 1)

permanent organization. It was stated that the state is now collecting $300,000 monthly.

Nat Charnas and Henry Greenberger of Toledo, John Pekkas of Elyria, LeMetto Smith of Alliance, M. J. Kirshbaum of Akron and A. G. Hettesheimer of Cincinnati were named a committee to carry out plans for the new organization. They will meet again in two weeks. They will pick out a slate of permanent officers with a member from each Congressional district as a governing body.

Ernest A. Schwarts, president of the Cleveland Exhibitors' Assn, presided today, with George W. Erdman, secretary, assisting. There were 218 exhibitors present.

Upon motion of Meyer Fine of Cleveland, a telegram was sent to W. B. Horwitz, now in Washington, giving him power to act in behalf of the Ohio independents on code problems, and to insist upon incorporation of recognition of independents' rights and to ask for the appointment of an impartial representative to look after independents' problems.

Monogram in S. A. Deal

Ritchey Export Corp., subsidiary of Monogram, has just closed a deal with H. Staunton Wallach to handle Monogram product in South America. He will make his headquarters in Buenos Aires and will cover Argentina, Brazil, Uruguay, Paraguay, Venezuela, Ecuador, Chile, Bolivia and Peru.

Film Series for School

A series of subscription film showings to be started with "Spring," a Soviet film, is to be put on at the New School for Social Research starting Nov. 18. There will be a number of lectures on post-revolutionary Russian films by Joseph Freeman, Joshua Kunitz and Nathan Adler..

Poor Injuns!

Seattle, Oct. 31.—Wild west stories are ruining the costumes and customs of the northwest Indians, who think they ought to dress like characters in novels and the films, says Dr. Erna Gunther, director of the University of Washington museum.

Stanley, General Again Suing Erpi

(*Continued from page* 1)

yesterday issued the following statement:

"There is nothing new in these suits. The issues involved have been in litigation for many months. Stanley, Duovac, and General Talking Pictures asked the Federal Court in Delaware for several injunctions against the enforcement of Erpi's contracts with producers and theatres. The court refused to issue an injunction against the contract for servicing theatres and the collection of charges therefor. It granted the plea for an injunction against the enforcement of the clause providing for the furnishing of replacement parts and the clause thought to limit distribution of the pictures of producer licensees to theatres equipped with apparatus of Western Electric manufacture.

"No attempt was ever made by Erpi to enforce the first of these provisions by legal action, and the latter appeared only in the original licenses to Vitaphone and the Fox companies in which it was superseded more than five years ago. As a matter of fact, the injunctions have never been issued, due to the failure of the plaintiffs to file the necessary bonds.

"The litigation which resulted as above was based upon the alleged violation of the Sherman and Clayton anti-trust laws, and the effect of the new action is to ask for damages alleged to have been suffered by reason of the matters now before the courts."

Grainger Trip Soon

James R. Grainger, general sales manager of Universal, who returned from a cross-country trip a few days ago, plans to leave on another trip about Dec. 8. He will visit Western Canadian cities and end his trek on the Pacific Coast.

Caldwell Gets Mail Box

TOLEDO, Oct. 31.—Wally Caldwell has been granted a temporary government mail box by Postmaster Farley, which has been posted in the lobby of the Valentine. Purpose is for congratulatory letters on Marie Dressler's birthday on Nov. 9.

Shaves Percentage List

RKO Radio has shaved its list of percentage pictures on the new season's lineup by eight, cutting the 22 originally scheduled to eight on preferred playing time and six others.

Yoost Adds Seventh

William Yoost has added the Circle in Columbus Circle to his circuit of six houses.

New Sales Plan Set By Gaumont-British

LONDON, Oct. 31.—Consolidation of W. and F. Film Service, Ltd., and Gaumont Ideal, Ltd., into a distribution unit for Gaumont-British Picture Corp. has been completed. The new distributing unit will be known as Gaumont-British Distributors, Ltd., and its personnel will be comprised principally of the W. and F. staff.

The consolidation is in line with a corporate program calling for expansion of G-B distribution in foreign markets and increased attention to short subject production and, in particular, the further development of Gaumont Graphic, the company's newsreel.

Jury Quiz Reported Into K. C. Labor Row

KANSAS CITY, Oct. 31.—Jackson County Grand Jury has been making an investigation of alleged operator racketeering in this city, MOTION PICTURE DAILY learns from authentic sources. It is understood the investigation, requested by suburban theatre owners employing non-union help who have had labor trouble, was ordered by Judge Page of Circuit Court.

Suburban exhibitors testified before the Grand Jury last week and union operators were being subpoenaed today. Downtown managers will be called before the jury next week. Operators' union officials and police officials, including Police Director Reppert, are also expected to give testimony. MOTION PICTURE DAILY learns the jury is inquiring into strikes, lockouts, bombings and violence of the past two years.

85 Screen Actors Join Guild in Day

HOLLYWOOD, Oct. 31.—The Actors' Guild showed itself more determined than ever today in its fight to become a powerful independent organization of film players when it announced that 85 actors had been added to its membership list to augment the 62 taken into its fold yesterday.

As a step in its drive to get every actor to join it, the guild is holding a meeting of its membership committee tonight at the home of Chester Morris to devise ways and means of bringing this about. Those meeting with Morris are Boris Karloff, Jean Hersholt, Ann Harding, Warren William, Miriam Hopkins, James Dunn, Lucille Gleason, Eddie Nugent, Frank Morgan, James Cagney, Dick Powell, Claude King and Lois Wilson. The membership of the guild is now 1,080.

The Writers' Guild is reported to be laying plans to wage a similar campaign in the writing ranks.

Portland Reopening Set

PORTLAND, Ore., Oct. 31.—Evergreen State Amusement Co., of which Frank Newman is head, will reopen the 3,000-seat Paramount here Nov. 10. Popular prices will prevail. The theatre, dark for a year, will be an outlet for Fox and Paramount product. Manager Homer Gill announces the opening picture will be Maurice Chevalier's "Way to Love." Stage shows will be given, with Matt Howard's orchestra supplying the music. The Liberty will continue as a first run house, with "I'm No Angel" as the first attraction under its new policy.

"Angel" Big B'way Noise In 2nd Week

"I'm No Angel" was just as much of a Broadway sensation in its second week as in its first at the Paramount. The take of $68,200 was still the biggest thing in the Manhattan first run sector and the West opus was held over for a third session.

"Aggie Appleby, Maker of Men" made a pretty sad showing at the RKO Music Hall as a follow for "The Private Life of Henry VIII." The take was $59,000.

"Bombshell" enlivened things around the Capitol with a gross of $49,735. "Footlight Parade" was still strong at $20,912 in its third week at the Strand, and "Dinner at Eight" took $13,203 in its ninth week at the Astor.

Estimated takings:

Week Ending Oct. 22:

"EVER IN MY HEART" (Warners)
HOLLYWOOD—(1,545), 25c-85c. 2nd week. 4 days. **Gross:** $3,600.

"AGGIE APPLEBY, MAKER OF MEN" (Radio)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $59,000.

"FOOTLIGHT PARADE" (Warners)
STRAND—(2,000), 35c-$1.25, 3rd week, 7 days. **Gross:** $20,912.

Week Ending Oct. 26:

"WANDERING JEW" (J.A.F.A.)
CAMEO—(549), 25c-40c, 7 days. **Gross:** $4,457.

"BOMBSHELL" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Ted Lewis and his revue. **Gross:** $49,735.

"WILD BOYS OF THE ROAD" (F. N.)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $7,865.

"I'M NO ANGEL" (Para.)
PARAMOUNT—(3,700), 35c-99c, 2nd week, 7 days. Stage: Ethel Shutta, George Olsen and band. **Gross:** $68,200.

"HEADLINE SHOOTER" (Radio)
RIALTO—(2,200), 40c-65c, 7 days. **Gross:** $8,500.

"WALLS OF GOLD" (Fox)
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $22,000.

Week Ending Oct. 27:

"DR BULL" (Fox)-4 days
"CHARLIE CHAN'S GREATEST CASE" (Fox)-3 days
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $12,000.

Week Ending Oct. 29:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$2.20, 9th week, 7 days. **Gross:** $13,203.

"DANCE, GIRL, DANCE" (First Division)
MAYFAIR—(2,300), 35c-85c, 7 days. **Gross:** $6,400.

Week Ending Oct. 31:

"THE BOWERY" (U. A.)
RIVOLI—(2,200), 35c-99c, 4th week, 7 days. **Gross:** $17,900.

Says Columbia Sales Have Risen 45.2%

(*Continued from page* 1)

delay in getting the selling season under way.

In round figures the company is 850 accounts ahead of last year at this date.

"During the last three weeks especially," Montague says, "sales have broken all records in the history of Columbia. These have represented not only the most important circuits, but also many independent groups, and exhibitors from the smaller towns—something very important, indeed, from our viewpoint. And to add to the encouragement of the situation last week's business topped everything in the history of our organization."

Insiders' Outlook

(Continued from page 2)

some of the natives who haven't 'em jobs. . . . Boss Jack becomes Uncle-in-Law Jack on January 3 when Mervyn Le Roy and Doris Warner, daughter of Harry and niece of Jack, go altar-bound. The date's been fixed finally. . . .

▼

The "king" complex, not hard to understand in the film business, although the stock of supermen hasn't been exactly bullish in the last two years or more, has a habit of creeping in. For instance, those titles of some far, near and coming releases:

KING KONG.
KING OF JAZZ.
KING OF THE RITZ.
KING OF FASHION.
KING FOR A NIGHT.
KING OF THE ARENA.
SOLDIERS OF THE KING.
KING OF WILD HORSES.
COUGAR, THE KING KILLER.

▼

Regardless of what's in or out of it, filmites at large want the code signed. Some of the independents say it's like standing on the gallows, waiting for the trap to spring. How do they know? . . . "Who's Afraid of the Big, Bad Wolf?" is Lester Cowan's favorite ditty. So much so, he couldn't resist referring to it in his code report to the Academy's board of governors in Hollywood Monday night. That's allegiance for you. More than you may suspect. . . .

KANN

Stage Shows for Casino

The Casino, at 7th Ave. and 50th St., which he recently acquired jointly with Haring and Blumenthal, local circuit operators, will be used for stage attractions and not for films, as was originally planned, it was revealed yesterday by Jack Shapiro, of Shapiro Bros., building contractors of 1560 Broadway. Shapiro said the house had been taken over with films in mind. He asserted the decision was made to switch to stage shows when it was discovered after a survey of the picture field that the type of film productions sought for the house were already tied up and it would be difficult to book them. A number of legitimate shows have been lined up, according to Shapiro.

Chesterfield Buys Songs

Chesterfield has purchased six songs from Albert Von Tilzer for "Rainbow Over Broadway." Edward J. Kay, who did the orchestrations for "Be Mine Tonight," is doing the same job for this musical.

Portland Overseated

PORTLAND, Oct. 31.—Reopening of the Pantages leaves this city badly over-seated again. The Pantages makes the seating total downtown about 13,000 in a population of 301,815.

The Hollywood Parade

By BILL SWIGART

HOLLYWOOD, Oct. 31.—Coditis is getting such a hold on this town that most every group of workers from janitors to associate producers is forming guilds to combat any unfair articles that may be included in the finished code. There are two groups of extras in the process of organizing separate guilds and all for the same reason, something to think about and worry over the future, for, after all, it's in the air, and whatever one does in Hollywood, you will find thousands following in their footsteps. The more conservative thinkers in this business are sitting by the sidelines waiting for the final delivery of the code and saying nothing. It is their belief the proper time to cross the bridge is when you come to it. It is this group of thinkers and workers that believe everything will be worked out for the best interests of the industry and, if not, there will be plenty of time to rectify the wrong.

There is a distinct feeling among conservatives that the extras, by being put into groups where they have to pay monthly dues, are in danger of being sadly exploited. Their average income is so small monthly dues will be a sharp drain on them, say the observers; and, besides, the code agreement on extras already is believed to have ameliorated their condition.

•

STRANGE THINGS DO "HAPPEN" IN HOLLYWOOD:—Just recently an ambitious executive at M-G-M approached MAE WEST to write a story for GRETA GARBO. MAE said "No" and is now doing a GARBO by hiding away from everyone in order to complete her own next story, "It Ain't No Sin." This must be completed before the first of the year, at which time the curvacious star will curve around the country playing one-night stands.

Speaking of GARBO recalls the incident when she discovered an extra hiding in the rafters in order that he might watch her work below. The Swedish temperament exploded with the result that five guards were spotted around the stage and set to keep curious persons from laying their lamps on her while she was working. This is but a sample of the "Great" Garbo's desire for seclusion. As a matter of fact the complex has become so great that she is said to be contemplating the installation of invisible glass in her motor cars, that new type of glass where the occupant can see out from within but the outsider can not see in.

•

With KALMAR and RUBY doing a burn-up over the erroneous report that had NORMAN KRASNA brought in by Paramount to write additional dialogue for "Duck Soup," they are rightly justified as KRASNA did nothing on the picture other than take a look at it in its preview stages. The only writers who contributed to the story apart from KALMAR and RUBY were SHEEKMAN and PERRIN.

•

It's interesting to note that several producers at one of the studios are reported secretly buying up all the preferred stock of this company that they possibly can. It's just a precautionary move on their part to protect their jobs in case.

•

Because the manager of a local theatre failed to recognize JIMMY MURRAY, the actor was refused admittance to see the preview of his own picture, "Take a Chance." Jimmy offered to buy a seat against an S. R. O. and had to send inside for some one who knew him before getting in. Such is fame!

•

"Those who never floated stock have a license to cast rocks." This was the general sentiment around town the morning after a well known producer publicly denounced the New York crowd of picture stock manipulators.

•

This is like carrying coals to Newcastle—M-G-M sent three carloads of props to Mexico for the "Viva Villa" company. Among the shipment were 35 typical Mexican guitars.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 1)

period, depicting the sacrifices and devotions of four bustle-and-bang flappers of that day and age.

The production elicits strong sympathetic responses by simple strokes of homespun humanity. With a strong feminine draw assured, the production may also pique the interest of young moderns by revealing today's emotions in yesterday's dress.

Miss Hepburn's brilliance is aided by the supporting players contributing sterling performances, with laurels going to Joan Bennett, Jean Parker, Frances Dee, Paul Lukas, Edna May Oliver, Douglas Montgomery and Henry Stephenson. George Cukor's direction is smooth and sincere.

With Miss Hepburn's popularity at its peak linked with unusual entertainment quality, "Little Women" may challenge some of the recent box-office leaders for straight, place or show. "Little Women" is stamped with happy holidays.

Hollywood Personals

Hollywood, Oct. 31

BERT WHEELER, ROBERT WOOLSEY, THELMA TODD and DOROTHY LEE are set for a cross-country tour in a stage musical called "Dumb Bells." The comedians wrote the story with TIM WHELAN, and BERT KALMAR and HARRY RUBY did the music.

WARNER BAXTER's picture has been placed in the Movietone City hall of fame along with JANET GAYNOR and WILL ROGERS, the hall having been reserved for players with ten or more Fox pictures to their credit.

LEROY PRINTZ and JACK HASKELLY have been signed to stage the dance routines in two Paramount films. The former will work on "Alice" and the latter on "Search for Beauty."

WALTER CONNOLLY has been loaned to Charles Rogers Productions for "Eight Girls in a Boat" (Rogers-Paramount).

DAVID LANDAU, EMERSON TRACY and PAUL NICHOLSON go into the cast of "Wild Birds," featuring Dorothy Jordan (Radio).

HARRY HOLMAN, VERA LEWIS and MORGAN WALLACE added to "Once Over Lightly" (Radio).

EL BRENDEL has been spotted in "Hearts and Flowers," the ZAZU PITTS-PERT KELTON comedy (Radio).

ESTHER MUIR, former musical comedy actress, has been added to the cast of Paramount's "Cap'n Jericho."

JOHN BRIGHT has been signed by Radio to work on "We Have a Right to Live."

RUSSELL PATTERSON, recently signed by Fox to do the settings for "Fox Follies," has arrived here by plane.

SIDNEY TOLER goes into "Trigger" (Radio).

SAMUEL HINES and JESSIE PRINGLE assigned to "Sleepers East" (Fox).

FRANK CONWAY and PAT COLLINS grab roles in "Rodney" (Radio).

IRENE WARE goes into "Orient Express." (Fox.)

DAMON RUNYON's "All Scarlet" has been purchased by Radio.

RUSS COLUMBO has been signed by 20th Century for "Moulin Rouge."

ARTHUR HOHL and DAVID DURAND in "As the Earth Turns" (Warners).

REGINALD OWEN and BODIL ROSING in "Mandalay" (Warners).

WILLIAM DAVIDSON in "Massacre" (Warners).

SAM ASH in "The Girl Without a Room" (Paramount).

DOROTHY LEBAIRE (Mrs. Marion Gering) in "Hi, Nellie" (Warners).

SPENCER CHARTERS in "King of Fashion" (Warners).

WALLY ALBRIGHT will appear in "Smoky" as a child cowboy (Fox).

"Love," Show Get $20,000, Philadelphia

PHILADELPHIA, Oct. 31.—Business in Philly took another slapping last week, with grosses in general on the down grade. The Stanley, however, ended its stage show reign with a good outburst of trade—$20,000—for "The Way to Love" and Amos and Andy. First stageless show has "Footlight Parade" as the feature.

The Aldine held up to a good second week with $8,000 for "The Bowery," giving the film a third week. "Berkeley Square" slipped a little at the Locust, but trade is consistent and it will probably get two more weeks—making five in all. Advance is fair for "Dinner at Eight," which opened Monday on a road show basis at the Chestnut.

Total first run business was $85,300. Average is $89,200.

Estimated takings in the week ending Oct. 26:

"THE BOWERY" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. (2nd week. **Gross:** $8,000. (Average, $7,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)
ARCADIA—(600), 25c-40c-55c, 6 days. (2nd run.) **Gross:** $1,800. (Average, $2,400.)

"EVER IN MY HEART" (Warners)
BOYD—(2,400), 40c-55c-65c. 6 days. **Gross:** $10,000. (Average, $12,000.)

"SATURDAY'S MILLIONS" (Univ.)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Al Wohlman Revue, Lewis and Ames, Kay Hamilton, Picchiani Troupe. **Gross:** $10,000 (Average, $12,000.)

"RAFTER ROMANCE" (Radio)
FOX—(3,000), 35c-55c-75c, 6 days. Stage: Bill Robinson and his "Goin" to Town" Revue. **Gross:** $15,000. (Average, $16,000.)

"BEAUTY FOR SALE" (M-G-M)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,000. (Average, $3,500.)

"POWER AND GLORY" (Fox)
KEITH'S—(2,000), 25c-35c-40c, 7 days. (2nd run.) **Gross:** $5,000. (Average, $5,500.)

"BERKELEY SQUARE" (Fox)
LOCUST—(1,300), 55c-$1.10, 6 days. (3rd week.) **Gross:** $6,500. (Average, $7,000.)

"THE WAY TO LOVE" (Para.)
STANLEY—(3,700), 40c-55c-75c, 6 days. Stage: Amos and Andy, Vic Oliver. **Gross:** $20,000. (Average, $16,000.)

"S. O. S. ICEBERG" (Univ.)
STANTON—(1,700) , 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $7,000.)

Boston Exhibitors Victims of Holdups

BOSTON, Oct. 31.—Two suburban Boston theatre managers were kidnaped and robbed by bandits yesterday. William Aaronson, 30, manager of the Boulevard, Revere, was about to enter his auto at the curb to go to the bank to deposit funds when a stranger pushed into the auto beside him.

"Going down town?" asked the stranger.

"No," replied Aaronson.

"Oh, yes you are," said the bandit and pressed a gun against Aaronson. Two companions jumped into the back of the car and Aaronson was then ordered to drive to a lonely spot, where he was forced to hand over $500, was thrown out of the car and the bandits drove off towards Lynn.

Two hours later Maurice Swartz, manager of the Uptown of Lynn started to enter his car when a stranger slid in beside him. Swartz said he wasn't going downtown, but promptly changed his mind. He was robbed of $300 and a wrist watch and forced out of his car as the bandits headed back towards Revere. They escaped a police dragnet.

Looking 'Em Over

"Above the Clouds"
(Columbia)

Behind the scenes with the newsreel cameramen, or keeping tabs on "Scoop" of the *Globe News*. In converting the story to the screen, actual incidents in the topics of the day are shown, such as the ill-fated cruise of the airship, Savannah, and a special stunt pulled in New York some time ago whereby some photographers cooked up an idea that a cat carrying a kitten across the street in its mouth and a policeman halting traffic for the purpose was a human interest picture. It's entertaining.

Aside from this the story concerns itself with Robert Armstrong, who is regarded as an exclusive newsreel man. Actually, his assistant, Richard Cromwell, does all the work and is even responsible for originating news ideas. Cromwell refuses to take the credit for his work and Dorothy Wilson, his sweetheart, argues with him on this point. However, when Armstrong falls down on a submarine crash and Cromwell turns the crank, the assistant thinks he has the stuff, but it turns out to be a mess of tests made by Armstrong when trying to make a girl. Cromwell is fired by Edmund Breese and Armstrong is assigned to cover the Savannah trip. Cromwell gets aboard the airship when he waylays Armstrong's new assistant and then he shows his hero up.

By this time Breese has learned the truth of Cromwell's past and decides to take him on as a full-fledged cameraman. The Savannah splits in mid-air and lands in the ocean. Among the crew saved are Armstrong and Cromwell. When they get back Armstrong is fired and his former assistant succeeds him.

SHORTS

"Perils of Pauline"
(Universal)

Only the title is reminiscent of the earlier serial by the same name. The three first two-reel installments are crammed with action. Two of them run 21 minutes and the third 20 minutes.

The action goes into the China Sea during a typhoon, then into Indo-China and the jungles. The first starts with a hunt for a disc carrying a formula for a deadly gas in a deserted temple, with an accompaniment of shellfire and falling aerial bombs. In the second there is a fight aboard ship during a typhoon, and in the third a remarkable scene while a boa constrictor saves Pauline from one of the villains.

Evalyn Knapp and Robert Allen are the leads, with James Durkin, John Davidson, Sonny Ray and Frank Lacketeen in supporting roles.

"Manhattan Special"
(Invincible)

One of the series of the American Explorer. It covers Manhattan's highlights and sidelights, including air and ground shots. Some of the historic spots in New York are filmed. A running monologue gave an Old Roxy audience a number of laughs. It's well photographed and worthwhile. Running time, 9 mins.

"Pin Feathers"
(Universal)

One of the "Pooch, the Pup" series. It deals with the adventures of a young bird that has to take flying and music lessons. Pooch comes to the rescue with a pair of artificial wings and makes the bird swallow a whistle. All goes well until a big cat grabs the bird. Pursuing birds throw forks and finally drive the cat into a dog pound. Some of the whistling and music are very good. Running time, 8 mins.

"Hollywood on Parade"
(Paramount)

This is a parade of Hollywood stars. Selling this to audiences should be a cinch. Lewis Stone, Polly Moran, Marie Dressler, Una Merkel, Mae Marsh, Randolph Scott, Jack Pearl, Jean Harlow, Ed Wynn, and Wheeler and Woolsey are some of the personalities. For good measure there are Jack Dempsey and Max Baer. Wheeler and Woolsey provide the film with a highly amusing interlude. Running time, 11 mins.

"One Awful Night"
(Paramount)

Eugene Pallette and Walter Catlett are teamed as a pair of dumb detectives who get themselves into hot water when their blundering attempts to run down a group of criminals land them behind bars. There are enough slapstick laughs to keep an audience amused. Running time, 21 mins.

"Steeplechase"
(United Artists)

Walt Disney presents "Mickey Mouse in some hilarious antics. Mickey appears as a jockey determined to win a steeplechase for his boss. When his horse comes across a jug of liquor and gets himself plastered, Mickey solves the problem by having two colored stable boys impersonate a horse. No one is the wiser and Mickey is crowned the victor. Running time, 7 mins.

"The Audition"
(Vitaphone)

A pleasant musical novelty with Hannah Williams as its brightest note. The singer puts over a hot number in acceptable fashion and goes through a series of body twists. There are a number of southern melodies rendered by the Three X Sisters softly and tunefully. Running time, 10 mins.

"Angel" Hits $26,000, Big In Pittsburgh

PITTSBURGH, Oct. 31.—The biggest thing in town last week, and incidentally the biggest thing here in months, was "I'm No Angel," which gave the Penn $26,000, more than doubling the usual take and slipping only a bit under the record-breaking business of "Tugboat Annie." It looked like the days before the depression here, with the ropes up at almost every performance.

"I'm No Angel," surprisingly, didn't take away much from the other spots, with possibly one or two exceptions, and business all over town was pretty good. At the Warner, "Footlight Parade," after a great week at the Stanley, had enough left in it to gather $8,500, the best figure this house has had in a long time, while "Emperor Jones" got enough class patronage at the Fulton to hit $5,000.

"Wild Boys of the Road" improved the status of the Davis, which has been faring badly of late, claiming around $3,000. The Pitt and the Stanley, however, were off, the former getting about $3,900 with "Notorious But Nice" and vaudeville and the latter around $8,000 with "Ann Vickers."

Total grosses in six first runs were $54,400. Average is $37,000.

Estimated takings for the week ending Oct. 28:

"WILD BOYS OF THE ROAD" (F. N.)
DAVIS—(1,700), 25c-40c, 7 days. **Gross:** $3,000. (Average for 6 days, $2,500.)

"EMPEROR JONES" (U. A.)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $5,000. (Average, $4,000.)

"I'M NO ANGEL" (Para.)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $26,000, with extra midnight show. (Average, $12,000.)

"NOTORIOUS BUT NICE" (Chesterfield)
PITT—(1,600), 15c-40c, 6 days. Stage: Gilbert Brothers, Smith, Strong and Lee, Carter Brothers Revue, O'Neil and Manners. Bomby and His Gang, Clyde Hager and Helen Grason Revue. **Gross:** $3,900. (Average, $4,500.)

"ANN VICKERS" (Radio)
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $8,000. (Average, $9,000.)

"FOOTLIGHT PARADE" (Warners)
WARNER—(2,000), 25c-50c, 6 days. (2nd run.) **Gross:** $8,500. (Average, $5,000.)

"Bowery" Four-Week Gross Is $127,595

In its four weeks at the Rivoli "The Bowery" has grossed $127,595. Starting at $45,000 for the week ending Oct. 10, it declined the second week to $39,000, and took $26,695 and $17,900 the third and fourth weeks.

The tabulation follows:

Week Ending	*Gross*
Week ending Oct. 10.....	$45,000
Week ending Oct. 17.....	39,000
Week ending Oct. 24.....	26,695
Week ending Oct. 31.....	17,900
Total	$128,595

Bowes Promotes Mayo

Waldo Mayo has been named permanent conductor of the Capitol radio orchestra by Major Edward Bowes. This is the orchestra that broadcasts every Sunday morning over the NBC network. Mayo has been concert master and solo violinist at the Capitol for some time.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 105 NEW YORK, THURSDAY, NOVEMBER 2, 1933 TEN CENTS

Figure Five Million Cut In RKO Loss

Irving Trust Reports to Court as Receiver

An estimated reduction in net loss for RKO of nearly $5,000,000 is indicated for the current year, as compared with 1932, on the basis of the first eight months' operations this year, tabulated in the second report of Irving Trust Co., equity receiver for RKO, filed yesterday with Federal Judge William Bondy.

The receiver's report reveals a net loss of $3,356,552 for the eight months ending Aug. 31. With operations continuing at a comparable level for the remainder of the year, net loss will approximate $5,745,000, as compared with net loss of $10,695,503 for 1932.

A breakdown of the current eight-month loss shows the RKO picture subsidiaries charged with $1,441,847 of the total, representing the largest individual loss division. The theatre subsidiaries, exclusive of Radio City, are second with a loss of $977,484. Radio City theatres account for a further theatre operating loss of $134,410 the report discloses.

The net loss of the picture companies, however, is said to be "considerably lower" than that for the same period of 1932 and "involves no cash loss," according to the report, which states further that the cash position of the picture companies on Aug. 31 "is almost identical" with that which existed at the time of the receivership last January "despite the

(Continued on page 6)

Reisman in New RKO Post and He Likes It

Phil Reisman yesterday assumed new duties as foreign sales manager of RKO and, at the same time, transferred his office from the 11th to the 14th floor of the RKO Building.

It was his desire to return to distribution in which practically all of his experience in the industry lies which led to a request for the post in the foreign department. Rounding

(Continued on page 6)

"Women" Placed in High RKO Brackets

"Little Women" goes on the RKO sales schedule as one of the company's percentage pictures in the higher brackets. A print arrived from the coast yesterday and was screened im-

(Continued on page 6)

RKO Costs Slashed

RKO costs have been trimmed by an estimated $2,136,000 annually as compared with last year, it is indicated in the receivers' second report, filed yesterday. The following estimated reductions in costs are indicated:

Picture subsidiaries	$1,000,000
Leases	475,000
Payrolls	400,000
Taxes	261,000

Radio Pictures Cut Loss by $1,000,000

Improvement in operations of Radio Pictures is reflected in the second report of RKO receivers filed with the U. S. District Court here yesterday, which shows an estimated reduction in operating loss for the first nine months of the current year of approximately $1,000,000, as compared with the same period last year.

The reduction in loss was accomplished, despite a decline in total income from $15,942,541 in 1932 to $14,212,505 in 1933, according to the report. The operating loss, before accrued interest on indebtedness to

(Continued on page 6)

Receivers Report St. Louis Profit

ST. LOUIS, Nov. 1.—In their final report to the Circuit Court, Roy F. Britton and Henri Chouteau, Circuit Court receivers for the St. Louis Amusement Co., claimed a profit of $170,197 during the period of the receivership from Nov. 24, 1931, to Aug. 7. They were removed as receivers by Judge Henry Hamilton on Aug. 8.

During the receivership, they reported, conditions were generally bad,

(Continued on page 6)

New Union in Field Opposing Tom Maloy

CHICAGO, Nov. 1.—A new operators' union known as the Independent Union of Motion Picture Operators, Inc., Local 101, is openly out in the local territory seeking theatres in competition with Tom Maloy's organization. Clyde Osterberg is the

(Continued on page 6)

Simon Rowson Heads New British Concern

LONDON, Nov. 1.—Simon Rowson is heading a new company just organized here under the name of New

(Continued on page 7)

Foreign Bars May Force Out U. S. Concerns

Profits Nearing End in Five Countries

Obstacles to foreign distribution, recently added in Italy, Argentina, Denmark and Czecho-Slovakia, and continuation of restricted distribution revenue in Germany may force a number of American companies now operating on small profit margins in those countries to abandon distribution operations there entirely, in the opinion of some foreign department heads here.

The Italian legislation already passed by the Chamber of Deputies imposes heavy dubbing taxes on foreign versions, at the same time prescribing that no foreign-made picture can be exhibited in Italy with its original dialogue. Foreign managers here believe that the new restrictions,

(Continued on page 7)

Majors May End All Selling in Denmark

All American companies are considering pulling out of Denmark because of disputes revolving around the charge that films imported by American firms violate Danish patents for noiseless recording, it is understood.

Warners-First National, Columbia, Paramount, Fox and M-G-M have been served the writs while United Artists is the only company now permitted to import product into Denmark.

Theatre Creditors Clash in Brooklyn

Sharp verbal clashes marked the meeting of the creditors of Allied Owners' Corp., a bankrupt, in the Brooklyn Federal Court today when Archibald Palmer, representative of the stockholders, questioned William M. Greve, one of the three trustees in bankruptcy.

Palmer contended that he could save stockholders $12,000,000 if the records of the concern are examined by

(Continued on page 6)

Oklahomans to Hold Discussion of Code

OKLAHOMA CITY, Nov. 1.—A feature of the program of a convention of the recently organized Oklahoma Theatre Owners' Ass'n. to be held after the signing of the code will be

(Continued on page 7)

Code Delay Until Next Week Likely

Johnson Turns It Over To Col. W. R. Lea

WASHINGTON, Nov. 1.—Although it was expected the code would be signed last week and indications piled up earlier this week that the President would sign the agreement prior to Hugh S. Johnson's departure Friday for a 10-day tour of western cities, another delay looms and it is anticipated approval of the code by the President will not take place until next week.

Following a conference with Johnson late last night, demands of Allied and the code were turned over to Colonel W. R. Lea, deputy administrator acting as executive assistant to Johnson, who conferred throughout the day with the group.

Turning over of the code to Colonel Lea was decided by the Administrator in view of his plans to leave Washington and in order that it might be in the hands of someone familiar with the matter, should it not be ready for submission to the President this week. His action, the Administrator declared emphatically tonight, was in no sense in criticism or disapproval of the handling of the code by Deputy Administrator Sol A. Rosenblatt who, he declared, did a fine job.

It was indicated tonight that Recovery Administration officials would make few changes and none of importance on the basis of representations of the Allied men.

Resignation from the Industrial Advisory Board last night of several members was explained today as due to a determination on part of the Recovery Administration to release present members of the board in rotation and replace them with new

(Continued on page 7)

Rosenblatt Escapes Labor NRA Probe

WASHINGTON, Nov. 1.—Activities of the deputy administrators have been under investigation by the American Federation of Labor, it was learned tonight, with indications that charges will be filed in the near future against a number of men who handled the codes of various industries.

While the organization will attack many of the deputy administrators, it

(Continued on page 7)

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Join Byrd Expedition

John Herrmann and Carl Peterson, Paramount newsreel cameramen, joined Rear Admiral Richard E. Byrd and his expedition at Cristobal, Panama Canal Zone, yesterday. They will accompany the expedition to Little America and make a film record of the trip.

Publix Books Mascots

MINNEAPOLIS, Nov. 1.—"Laughing at Life," Mascot feature, gets a first run at the Aster, Publix house here. H. O. Mugridge, Mascot distributor in the Northwest, closed the deal.

All Publix serial situations in the Twin Cities will play "Fighting with Kit Carson," Mascot chapter film.

Bach Improving

TORONTO, Nov. 1.—W. A. Bach, president of Audio Prod. who underwent an operation here recently, was discharged from Western Hospital yesterday and will convalesce at his brother's home here. He expects to return to New York on Nov. 12.

"Rip Tide" for Shearer

HOLLYWOOD, Nov. 1.—Norma Shearer's first production since her return from Europe will be "Rip Tide," a Charles MacArthur yarn which Irving Thalberg will produce for M-G-M. Work will start in two weeks under direction of Edmund Goulding.

Al Rockett Arrives

Al Rockett, Fox producer, is in town for a 10-day stay during which he will look over current theatre offerings. While here he expects to sign some players and go through a number of manuscripts.

St. Louis Opens Friday

ST. LOUIS, Nov. 1.—The St. Louis will reopen under the F. & M. banner Friday. Stage shows will be featured, although the house will continue to show first run films.

Looking 'Em Over

"Only Yesterday"

(Universal)

A double-headed something to wave flags over. One, because it introduces an unknown named Margaret Sullavan, who hadn't seen Hollywood before this Universal came along, but who won't be able to pry loose after it. Secondly, because "Only Yesterday" is a whale of a woman's picture. It'll make the softer sex weep in sympathy and exhibitors in joy.

Miss Sullavan is an actress of intelligence and power. Opening on the day of the Wall Street crash, the film draws a graphic picture of the financial debacle at large and its effect on John Boles, until then successful stock broker. On the verge of suicide, a letter marked "Urgent-Personal" draws his attention. He begins to read the contents and, as he does, the flashback tells the story.

The drama concerns him and Miss Sullavan and gets under way while Boles is stationed in Virginia prior to his departure overseas in 1917. The girl, it appears, has been in love with him since the time she first met him at a party years earlier. Moonlight and romance, as well as the overhanging shadow of the war, draw them together. To the girl it is the culmination of a dream. To Boles a passing, but pleasant, incident.

Confronted by impending motherhood, Miss Sullavan joins her aunt, Billie Burke, in New York. There she has her child. In the interim, Boles returns from the front, fails to recognize the girl and some time thereafter marries Benita Hume. The two principals never meet until 10 years have elapsed. At a New Year's party in a New York hotel, Boles, struggling with his memory, is irresistibly drawn to the girl; she, never having ceased to love him, joins him. Together and in his apartment, they re-enact the romance of a decade ago. Early in the morning she leaves, having refused to divulge her identity. The situation here is powerful, unusually strong and played beautifully by Miss Sullavan.

About a year later, her heart gives out. By super effort she manages to pen the story of her heartbreak and dies. It is this letter which reaches Boles, averts suicide, influences him to end the long-since dormant romance with his wife and sends him to his son.

The cast—a long one—is very competent. Boles does what strikes us as his best work. But nobody in the picture approximates Miss Sullavan's performance for understanding and emotional depth. She looks like a real bet, heading for places dependent upon material and direction. Histrionically, she has the goods—lots of it. KANN

"Broadway Thru a Keyhole"

(United Artists)

United Artists is selling this second 20th Century feature on the strength of Walter Winchell's name. This may be good salesmanship where his name is synonymous with Broadway, but that is no reason to neglect a number of other good sales angles that make it fine entertainment.

It is strong drama with night life touches—music, catchy songs, sumptuous stage effects, a side trip to Florida—but this doesn't obscure

(Continued on page 7)

Loews Pfd. Slumps Three

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	20½	20¼	20¼	— ¾	200
Consolidated Film Industries, pfd	8⅞	8⅞	8⅞	— ⅛	300
Eastman Kodak	71¼	70½	70½	— ½	700
Fox Film "A"	14⅝	14	14¼	.....	100
Loew's, Inc.	27	25¼	25⅞	— ⅜	1,100
Loew's Inc., pfd	67	67	67	—3	100
Paramount Publix	1¾	1¾	1¾	— ⅛	500
Pathe Exchange "A"	8¼	7⅞	7⅞	— ⅜	1,300
Universal Pictures, pfd	18¾	18¾	18¾	— ¼	1,000
Warner Bros.	6½	6	6⅜	+ ⅛	7,000

Technicolor Only Issue Traded

	High	Low	Close	Net Change	Sales
Technicolor	10½	9¾	9¾	.....	700

Paramount Broadway Gains One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	4	4	— ¼	1
Loew's 6s '41, ww deb rights	84½	84½	84½	.....	1
Paramount Broadway 5½s '51	30	30	30	+1	1
Paramount F. L. 6s '47	28½	28	28	— ½	1
Pathe 7s '37, ww	80	80	80	.....	2
Warner Bros. 6s '39, wd	39¼	38¾	39⅛	+ ⅛	12

Purely Personal

NED DEPINET, CRESS SMITH JULES LEVY looking highly optimistic as they emerged from a screening of "Little Women" in the RKO projection room yesterday.

WALTER WINCHELL tribute at the Rivoli last night went over in "flash" manner. His "Broadway Thru a Keyhole" is featured at the house.

ARTHUR W. KELLY, head of the U. A. foreign department, is expected back from his European trip the second week in November.

EDWARD CHILDS CARPENTER has been re-elected president of the Dramatists' Guild of the Authors' League of America.

ANDY SMITH, in charge of eastern and Canadian distribution for Warners, is back on the job after a two-week vacation.

ALBERT HACKETT, accompanied by his wife, has arrived at the Lombardy from Hollywood.

BEBE DANIELS and PAULINE GALLAGHER are expected at the Warwick from Hollywood today.

NATE MANHEIM is suffering from a tooth that won't behave.

General Theatres to Settle Fox Dispute

WILMINGTON, Nov. 1.—A petition was filed in Chancery Court here today by Daniel O. Hastings of Wilmington, receiver of General Theatre Equipment, Inc., asking for authorization of the court to agree to a proposed settlement of controversies between him, as receiver of General Theatres, and William Atkinson and John Sherman, receivers of Fox Theatres Corp.

Chancellor Josiah O. Wolcott set November 17 as the date for hearing and notified all persons having objections to granting of the petition to be present at that time.

Receivers of Fox Theatres have made numerous claims against General Theatres alleging affairs of the companies were so intermingled that large sums are now due by General Theatres to receivers of Fox Theatres. Proposed settlement would consist of transfer of certain stocks of the subsidiaries of each company.

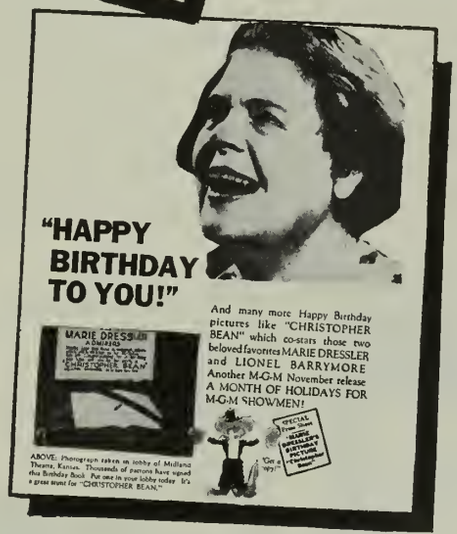
Waugh Appointed

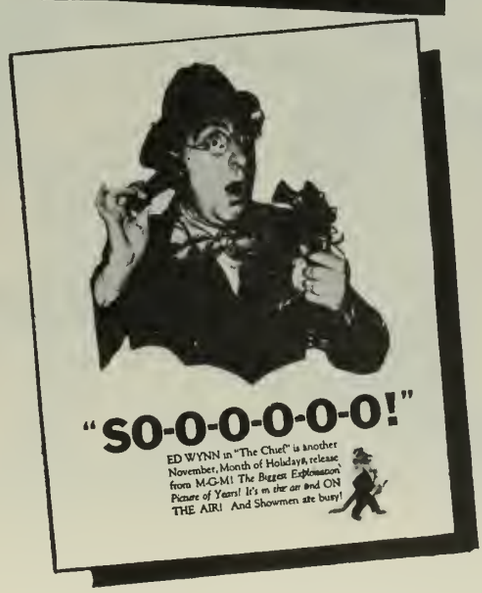
The elevation of Howard Waugh from manager of the Warner house in Memphis to zone manager of Kentucky and Tennessee for Warner theatres was officially announced by Joseph Bernhard, general manager, here yesterday. The appointment of Waugh to his new post was carried exclusively by MOTION PICTURE DAILY on Oct. 31.

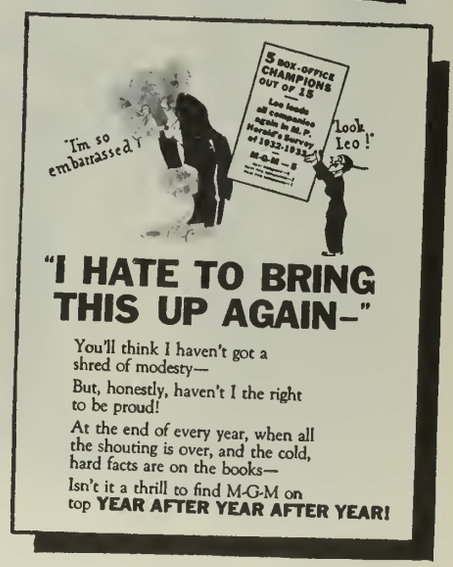
Ruskind at AMPA Today

Speakers at the weekly AMPA meeting today will be Morrie Ryskind, co-author of "Let 'Em Eat Cake," and Miss Ann Ronell, author of additional lyrics for Walt Disney's "Three Little Pigs."

You'll Remember NOVEMBER







The Critics go

Hollywood Reporter:

"Here's the answer to a showman's prayer . . . A legitimate offspring of the family that produced 'Frankenstein' and 'Dracula,' but a lusty, healthy, willing-to-laugh youngster who can stand on his own feet . . . This is a new idea if ever there was one . . . A class mystery thriller certain to give an important account of itself both at the box-office and in critical circles . . . Certainly it has never been excelled as a piece of absorbing screen illusion . . . A remarkable achievement."

Motion Picture Magazine:

"As a thriller it will live up to its advertising. What more can any picture do? . . . Moments you will long remember."

Screenplay:

"Lovers of the unusual will thrill over this one . . . Even more extraordinary than 'Frankenstein.'"

New Movie Magazine:

"You'll enjoy this immensely . . . Thorough entertainment from beginning to end."

Starring
CLAUDE RAINS
With GLORIA STUART, William Harrigan, Dudley Digges, Una O'Connor, Henry Travers, Forrester Harvey. Screenplay by R. C. Sherriff. Produced by Carl Laemmle, Jr. Directed by JAMES WHALE. Presented by Carl Laemmle.

Another big one from
UNIVERSAL

the limit

Motion Picture Daily:
"A showman's show! . . . Out of the ordinary . . . An outstanding moneymaker for exhibitors . . . Eerie, fresh and better production than either 'Frankenstein' or 'Dracula' . . . Believable, entertaining . . . In the bag and in big!"

Motion Picture Herald:
"Universal has a showman's natural . . . Oldtimers and new idea showmen can sink their teeth in this one and boost to skies . . . Terrific novelty . . . A real super that will jerk patrons into the theatre."

BLE MAN

Figure Five Million Cut In RKO Loss

(Continued from page 1)

enlarged production and release schedules and the absence of any borrowing."

The picture company's loss also includes $646,708 accrued interest on indebtedness to RKO, according to the report.

The consolidated cash position of the company at the end of eight months of 1933 was $2,414,529, as compared with $3,212,556 for the entire year of 1932.

Cash Position Strong

"The current cash position," the report states, "compares favorably with the cash on hand when the receiver was appointed, after payments made by subsidiary companies in reduction of mortgages and other financial obligations aggregating over $450,000 are taken into account."

The report notes that the capital surplus of $2,953,882 on Jan. 1, 1933, has been written down on the balance sheet of Aug. 31 to a capital deficit of $12,504,177 by eliminating the accounts of subsidiaries in bankruptcy or receivership and by writing down the value of RKO investments in such subsidiaries, balances due RKO from them and setting up liabilities in cases where their indebtedness was guaranteed by RKO. Subsidiaries thus involved include RKO Western Corp., bankrupt; RKO Southern Corp., bankrupt; Cleveland Hippodrome Co., bankrupt; Toledo Theatres & Realty Co., receivership; Orpheum Theatre Co. (Indiana), receivership; RKO Theatres Operating Corp., receivership, and Orpheum Circuit, bankrupt.

No Plan Devised Yet

No plan of reorganization for RKO has been formulated to date, the report notes, and adds that pending the development of a reorganization plan the receivers recommend continuance of the company's business under the receiver's direction in view of the progress made in reducing operating expenses.

"The losses in receivership operation," the report concludes, "consisted largely of non-recurring and non-cash items and, despite the absence of borrowing and maintenance of full production schedules, consolidated cash reserves have not been depleted to any considerable extent."

Brown Given a Job On RKO Real Estate

Walter L. Brown, formerly assistant to M. H. Aylesworth, RKO president, was assigned to the RKO real estate department yesterday to work with A. L. Reoch, head of the department. The post of assistant to the president has been discontinued with Brown's transfer.

Brown came into RKO as one of the Irving Trust Company's staff assigned to the company to work on the RKO receivership. He was made assistant to Aylesworth later and recently has been making an analysis of RKO properties.

How RKO Theatre Profit Jumped

The following table contained in the second report of the RKO receivers shows how net profit on theatre operations increased approximately $130,000 through reduced operating costs while attendance, admission prices and theatre income was declining.

——First Six Months——

	1932	1933	% 1933 of 1932
Attendance	38,782,188	36,773,879	94.72
Average Admission Price	$ .3672	$ .2994	81.54
Total Operating Income	14,241,292.70	10,999,361.52	77.24
Total Operating Expense	11,256,075.33	7,880,806.76	70.01
Net Profit Before Fixed Charges	2,985,217.37	3,118,554.76	104.47
Analysis of Operating Expense			
Vaudeville	$2,538,067.21	$1,061,987.89	41.81
Film	2,903,969.57	2,408,586.53	82.94
Advertising	1,241,873.40	1,015,486.22	81.77
Other expense	4,572,165.15	3,393,646.30	74.27

RKO Theatre Cuts Lift Net $130,000

Reduction of operating costs of RKO theatre subsidiaries by more than $3,000,000 since the company's receivership has increased net profit by over $130,000 despite reduced attendance and admissions, it is revealed in the RKO receiver's second report.

Exclusive of Radio City theatres, RKO theatre subsidiaries showed a net loss of $977,484 for the eight-month period ending Aug. 31. The largest of the items associated with the loss was depreciation and amortization, aggregating $1,278,697, and if that item were eliminated, the report notes, "current theatre operations for the period would show a cash profit of $301,212."

The reduction in operating costs kept ahead of the reduction in operating income for the period ending Sept. 30, last, the report states, and with theatre attendance increases now under way an improved condition is anticipated for the theatre subsidiaries.

The receivers have disposed of 58 of the 162 RKO houses in operation at the time of the receivership and favorable adjustments on leases, taxes and other items have been made in connection with the theatres remaining, the report states. Total estimated reductions in theatre rents amounting to $250,000 annually have been effected, and $261,000 in tax reductions have been realized.

Losses on Radio City Houses

Losses on the two Radio City theatres, the Music Hall and Roxy, amounted to $134,410 from Jan. 1 to Aug. 25. Under a campaign to reduce operating expenses of the two theatres, a profit, before deduction of rent, of $90,580 was shown by the two houses during the four weeks in September, according to the report.

"If this recent improvement in operations should continue," the report says, "it is reasonable to assume that the Radio City theatres can be conducted on a profitable basis hereafter."

The receivers have disposed of 18 realty properties since Jan. 27, reducing the number held from 91 to 73.

Reductions in salaries of executives and in the number of employes, together with reduced rent and other expenses, have resulted in appreciable reductions of expenditures by RKO Service Corp., which pays home office salaries, rents and other expenses, the report states. Approximately $1,700,000 was expended by this unit in 1932, an average monthly expense of $142,000. For the seven-month period ending July 31, average monthly expenses had been cut to $105,043; for August it was $66,713, and since then additional savings have been effected.

Radio Pictures Cut Loss by $1,000,000

(Continued from page 1)

RKO, payment of which has been suspended, dropped from $1,779,322 in 1932 to an estimated $703,747 for the current year.

At the present time, the report notes, amortization of films "is decidedly less than during the corresponding period of last year, or during the early months of this year. This factor, together with the maintenance of a level release schedule, quality of pictures being released and increasing theatre attendance, has resulted in the picture companies showing decided profits in recent weeks . . . and indicate that future operations will show material improvement."

Reisman in New Post; He Likes It

(Continued from page 1)

out his first day, Reisman said late yesterday he liked it, although he wasn't familiar as yet with what the kronen was worth.

Ambrose J. ("Bo") Dowling will continue with that end of the company's enterprise, Reisman declared. He is now in South America.

"Women" Placed in High RKO Brackets

(Continued from page 1)

mediately. Little else was talked about around Radio headquarters.

RKO declares it has no intention of shaving its total of percentage pictures and points to "Little Women" as complete justification for its policy. Efforts will be made to get extended playing time at the Music Hall.

Claims Filed Against RKO Total $23,285,143

Total claims filed against RKO aggregate $23,285,143, according to the receiver's report filed yesterday. The bulk of these were in lease claims, which aggregated $17,395,990.

In addition, RKO has a funded indebtedness of $16,239,708, the report notes. Holders of these securities have been barred by the U. S. District Court from filing claims.

The majority of the claims will be contested, it was said, and the receivers have asked for appointment of a special master to hear and pass on those filed.

How About the Nose?

WASHINGTON, Nov. 1.—Jimmy Durante is making plans to copyright his name. Nothing said about his schnozzle.

Receivers Report St. Louis Profit

(Continued from page 1)

but the profit was sufficient to take care of all maturing obligations and was "almost unique for the period." Cash receipts totaled $1,864,666 and disbursements were $1,549,877. Other expenses, including receivers' and attorneys' fees, insurance and taxes, totaled $144,591.

Miscellaneous cash receipts totaled $73,454. Payments on principal and interest of mortgages and bills due prior to the receivership totaled $184,727. A cash balance totaled $58,924. Of this $12,176 is tied up in the closed St. Louis National Bank, and $1,454 is on deposit in the Granite City National Bank which is operating on a restricted basis.

The receivers and their attorneys have asked an allowance of additional fees. Chouteau has received $16,000, and Britton has received $14,500. Lambert E. Walther and Guy A. Thompson, attorneys, have been awarded $5,000 each. The receivers claim their compensation covers the period ending June 12 and the attorneys say theirs was up to Nov. 16, 1932.

Theatre Creditors Clash in Brooklyn

(Continued from page 1)

him. The corporation filed a voluntary petition in bankruptcy Aug. 8, listing assets at $19,853,588 and liabilities at $13,623,675. The corporation owns the Brooklyn Paramount, Loew's King and Loew's Pitkin, as well as a number of other theatres. Adolph Zukor, Nicholas Schenck and others had been subpoenaed.

Palmer and Greve exchanged remarks while the attorney was examining Greve about the agreement which the Realty Associates Inc., parent company of the bankrupt concern, made to build the Brooklyn Paramount for Famous Players.

Zukor testified that his company built three houses in Brooklyn when negotiations with the Loew interests for first run pictures fell through and that the Loew people then contracted for the houses and also took over a first run picture contract.

New Union in Field Opposing Tom Maloy

(Continued from page 1)

head with George R. Hall as organizer. Offices are located at 1920 S. Washtenaw ave. Both men are former members of Maloy's association.

In the first move of the new union its men were placed in the State-Congress. After being opened for a few days the house was closed and shortly thereafter was the scene of a fire. Investigation of the blaze by Deputy State Fire Marshal George Schivner has led to his demand for grand jury action on the ground that he has evidence which should be presented to the jury, but which he refuses to divulge at this time.

"Henry" for Gaiety

"The Life of King Henry VIII" will have its first Broadway showing at the Gaiety on Nov. 15, Harry Brandt having booked the U. A. picture into the house for a grind run. The Music Hall last week showed the English film first run and it is now current at the RKO Roxy.

Code Delay Until Next Week Likely

(Continued from page 1)

men from industry, thus giving more business men an opportunity to observe the operations of the Recovery Act at first hand and providing the Administration periodically with a fresh point of view. Five of the nine members terminated their services today and the remaining four will be replaced on Dec. 1.

Establishment of a National Chamber of Commerce and Industry, to be built around the present United States Chamber of Commerce, to take over the permanent administration of the Recovery Act was recommended today by Gerard Swope of General Electric at a meeting of the Planning and Advisory Council for the Department of Commerce. Swope's suggestion, it was later declared by Johnson, was made with his full approval, and it was revealed the two had been engaged in development of a permanent plan for some time.

Codification Nearing Rapidly

The codification work of the Administration is rapidly nearing completion and thought must be given to a permanent set-up, it was stated. The National Chamber will in no way interfere with the administration of individual codes by code authorities, but will act as a receiving point for the statistical reports which must be made by the industries and as a board of appeals to which may be taken controversies over the interpretation of code provisions. Legal enforcement of codes will remain in the hands of the Federal Trade Commission and the Department of Justice.

Decision of General Johnson to revolve the personnel of the Industrial Advisory Board will include also deputy administrators, it was said by the Administration. It is not believed, however, that Rosenblatt will be relieved since it would be difficult to get a successor as familiar with the amusement and communication industry.

A full exposition of Allied's objections to the film code as now written was laid before Johnson last night and also before Colonel Lea today. Demands for changes in the code were made on a number of clauses and the independents' arguments were received with interest and will be given study by administration officials. All of the matters brought up, it was understood, were covered in Rosenblatt's report, which accompanied the code to the administrator, and so far as could be learned the agreement will not be changed in an important particular.

Government representatives on local clearance and zoning boards, provided in the code according to the explanation made by Rosenblatt at Atlanta on Monday, will be secured locally, it was explained here today. It would not be possible to secure men from the Washington administration to attend the meetings of all of these boards and the cost of participation from the Capital would be heavy. The men will be selected locally, but will have all the authority which would be held by a representative direct from Washington.

Looking 'Em Over

(Continued from page 2)

the fact that it is the story of the love of a strong-willed man, a gangster, for a woman whose deepest emotion toward him is that of gratitude because he has given her a start as an entertainer. She gives her love to a crooner who admits he is a physical coward, but finds he has the courage to follow her to New York and face the gangster, who has good sense enough to give her up. The drama grows in power to the finish when the gangster rescues her from a kidnaping staged by rival hoodlums. Melodramatic, but carries a kick.

The cast is excellent. Paul Kelly is impressive as the gangster, and Constance Cummings is charming as the entertainer he loves. Russ Columbo is a surprise as an actor. He makes a clear cut, definite impression. Comedy touches are plentiful, supplied principally by Gregory Ratoff as a dance director, and Blossom Seely as wife of a gangster pal of Kelly.

The picture has a lot of stuff, as indicated in a flash preview in MOTION PICTURE DAILY on Oct. 10.

Music Publishers' Code Hearing Today

WASHINGTON, Nov. 1.—Hearings on the recovery code for the music publishing industry, originally scheduled for Oct. 17, but postponed twice because of the film code, will open tomorrow before Deputy Administrator Sol A. Rosenblatt.

The code sets minimum wages and maximum hours for employes in the industry and deals also with unfair trade practices, under which a prohibition upon song plugging in theatre lobbies will be sought.

It is not anticipated that the hearing will develop much of anything of interest to exhibitors, since it is unlikely that music charges to theatres will come up, this being a matter under the control of the American Society of Composers, Authors and Publishers which is not a publisher of music.

Rosenblatt Escapes Labor NRA Probe

(Continued from page 1)

was said tonight by a prominent labor official, there are two men who are outstanding in their work and who have received the fullest support of organized workers, one of these being Sol A. Rosenblatt.

There is, this official declared, no deputy administrator among the entire group of 18 who stands higher in the estimation of labor than Rosenblatt, who was the only deputy administrator in whom the Federation had sufficient trust to be invited to attend the recent annual convention of the organization.

Labor officials are paying the highest tribute to Rosenblatt for his treatment of labor in the codes he has handled, and point out that unions which have refused to sign any other code have willingly affixed their signatures to the film agreement.

Silent on the Code

KANSAS CITY, Nov. 1.—Emanuel Cohen and Henry Herzbrun, counsel for the Paramount studios, refused to discuss the code with a MOTION PICTURE DAILY reporter during train switches. Cohen denied stories concerning a new contract, stating the company was in bankruptcy and no contracts can be made, which also negated reports of a salary increase.

Say Nazis Plan Big Use of Television

LONDON, Nov. 1.—Mass production of television sets to be sold cheaply so that Nazi propaganda films can be shown generally in homes is said to be planned by the present German government, with the first ones ready next April, according to *Today's Cinema*.

It is said that the plan was recently outlined at a conference of German authorities headed by Dr. Goebbels. The plan, it is claimed, is to broadcast pictures at the rate of 25 a second on 180 lines. After the German market has been supplied with cheap sets on a mass production basis, the story goes, the same sales methods will be applied outside of Germany, principally for the purpose of spreading propaganda ideas by means of pictures.

Oklahomans to Hold Discussion on Code

(Continued from page 1)

a discussion of its points, according to Morris Lowenstein, president.

"We will attempt to familiarize every independent exhibitor member of the association with the aims of the code and will make every effort to clarify and explain the terminology used in the code," Lowenstein said. The new association is a rejuvenated group of independents formerly known as the Oklahoma Independent Theatre Owners.

About 200 exhibitors are expected to attend the rally.

Theatrical Poster Code Nearly Ready

(Continued from page 1)

It is understood that the theatrical poster code has reached its fifth revision, but is now ready for early action by the NRA. The code is being sponsored by the National Poster Service Ass'n.

Provisions of the code are drastic and are designed to curb "destructive and unfair" practices. It prohibits invasion by renters in another's territory and restricts exchanges to their own territory. It also bans cut prices by actual reductions or by offering a larger amount of paper than usual rates, special discounts, premiums, etc. The code also forbids defamation of one exchange by another.

Foreign Bars May Force Out U. S. Concerns

(Continued from page 1)

due to go into effect despite American protests of discrimination, in the near future, will reduce distribution revenues in that country to such an extent that many American distributors now deriving only a small profit from the Italian market will be forced to withdraw altogether.

The Argentine gold embargo recently enforced, although actually in existence since last May, places a new handicap on distributors by either curtailing or making difficult withdrawal of money from the country. Several large distributors are able to hurdle this obstacle, however, by credit exchange arrangements with Argentinian exporters having cash balances in this country.

Denmark Bars All But U. A.

As an outgrowth of a formal charge that American producers have violated Danish patents on noiseless recording all large American distributors with the exception of United Artists have been barred for the time being from that market. New and more stringent quota laws in Czecho-Slovakia, together with the limited revenue possibilities of the market have forced virtually all large American distributor agencies in that country into inactivity.

The German market, never a particularly active one as far as American distributors have been concerned, remains in a more or less stagnant condition. Revenues from that source continue the decline that was begun many months ago.

English, French, Canadian and Australian markets continue in a healthy state, foreign department heads report, and account for a large part of all foreign distribution revenue.

Jack McCurdy Given Col. Australia Post

Jack McCurdy, former Paramount theatre executive, has been appointed Australian representative for Columbia. He is enroute to Hollywood where he will spend a few days at the Columbia studio before sailing on the *Mariposa* Nov. 15.

McCurdy will stop over at Indianapolis where he will meet his wife and take her with him. Sailing on the same boat will be Arthur and Dave Loew and their wives, who will make a trip around the world by airplane, and Sir Benjamin Fuller of the Fuller circuit in Australia.

Simon Rowson Heads New British Concern

(Continued from page 1)

Ideal Pictures, Ltd. Under the terms of the charter the company can produce, distribute and rent.

For years Rowson headed Ideal Pictures, Ltd., which was absorbed by Gaumont British. Ideal, while maintaining its own identity, was one of the most prominent English distributing companies.

They can't take it, but they thought Dewey could. The FOUR MARX BROTHERS as they repel a gas attack with Bicarbonate of Soda in PARAMOUNT'S "DUCK SOUP".

VANILLA!

MARX BROTHERS

in Paramount's

"DUCK SOUP"

Directed by

LEO McCAREY

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 106 NEW YORK, FRIDAY, NOVEMBER 3, 1933 TEN CENTS

Publicity Is Believed Federal Salary Weapon

Loew Reports $4,034,289 Net for Year

Decrease of $3,927,025 Under 1932 Total

Loew's, Inc., reports a net of $4,034,289.51 for the year ending Aug. 31 after payment of Federal taxes and dividends of subsidiaries. This is $3,927,025.49 below the 1932 net of $7,961,315.

Gross income from theatre receipts, rentals, sales of films and accessories, rentals of stores and offices, and receipts from bonds and preferred stocks was $84,938,653.71. Expenses, including theatre operation, film rentals, rent on leased property, overhead and other charges, were $73,997,951.59, leaving an operating gross of $10,940,702.59.

Interest on debentures, bonds and mortgages of subsidiaries and affiliated companies, depreciation on build-

(*Continued on page 4*)

Warners' Cleveland Pool May Mean Race

CLEVELAND, Nov. 2.—Pool of Warners' Lake with the Hippodrome, 2,800-seat theatre now operating independently, may be the opening wedge in a competitive race locally between Warners and Loew's.

The "Hipp," which now has under contract a split of Fox and Columbia, will run Warner and First National "A" pictures under the arrangement, while the Lake will house "B" releases. Opening its week on Thursdays, the Variety and Uptown, Warner neighborhood houses, are expected to run identical product with the downtown "Hipp" exactly as those

(*Continued on page 4*)

Marx Brothers May Stay at Paramount

The Four Marx Brothers, in all probability, will continue under the Paramount banner following release of "Duck Soup," which was previewed in Hollywood Tuesday night. Negotiations are under way for the comics to make an unnamed number of pictures. One now being considered is "Let 'Em Eat Cake," stage play now current on Broadway and sequel to "Of Thee I Sing."

Plans were all set for the comedians to make two pictures for Sam

(*Continued on page 4*)

Hays Association Signs Code

The M. P. P. D. A.—the Hays association—has signed the proposed industry code.

The action was taken as an association step and supplements signatures of individual company members delivered by Will H. Hays to Deputy Administrator Sol A. Rosenblatt late last week in Washington. United Artists is the one major which has not affixed its signature.

Under NRA procedure, administration contact with any given industry is sought through such industry's own trade associations. Thus, in the coal industry where seven or eight associations represent different interests, that many signatures were affixed to the code, in addition to the names of the individual companies operating in the field.

Hollywood, Nov. 2.—So far as could be learned today, the Ass'n of M. P. Producers has taken no action on signing the proposed code. Recalcitrants are Joseph M. Schenck and Samuel Goldwyn, who are on record as objecting to several clauses, including Article 5, the anti-star raiding provision.

Fred Beetson, secretary, said it was not necessary for the association here to sign the code as its head had already signed it in the East. The association is awaiting the Presidential signature, he asserted, adding that if the code does not suit it the group will hold a meeting of protest.

Music Code In Deadlock On Discounts

WASHINGTON, Nov. 2.—Hearings on the recovery code for the music publishing industry came to an abrupt conclusion this afternoon when Deputy Administrator Sol A. Rosenblatt announced that it appeared to attempt price-fixing through a sched-

(*Continued on page 6*)

See Film Code To Roosevelt By Tomorrow

WASHINGTON, Nov. 2.—Practical assurance that the film code will go to the President tomorrow or Saturday was seen in Washington tonight when it became known that Col. W. Robert Lea, executive assistant to Administrator Hugh S. Johnson, had

(*Continued on page 6*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Duck Soup"

(*Paramount*)

HOLLYWOOD, Nov. 2.—"Duck Soup," with those Four Mad Marxmen, should be just that for showmen.

Judged by their preceding successes, "Duck Soup" may even surpass the others for laughter and box-office. Dishing out heaping portions of their hilarious merchandise for which the public today is crying, the

(*Continued on page 7*)

Trade Commission Data May Be Turned Over To Stockholders

Data on salaries being paid executives and others by large corporations, now being gathered by the Federal Trade Commission, is reported to be the key to NRA plans for bringing unconscionable salaries into line.

Publicity involving presentation of salary facts to stockholders of corporations which fail to take steps to adjust excessive salaries voluntarily, is regarded as a highly probable procedure after the Federal Trade Commission has completed the collection of its reports.

It is understood, in respect to this industry, that the suggestion has been made by administration leaders that contracts of executives and players be renewed at lower levels at their expiration. Failure to do so in individual cases is regarded as sufficient

(*Continued on page 6*)

Plunkett Charges Plagiarism of "M"

George J. Schaefer, Paramount general manager; Paramount Pictures, Paramount Productions and Paramount Pictures Distributing Corp., were served yesterday in an action brought by Joseph L. Plunkett's Foremco Pictures Corp. seeking $100,000

(*Continued on page 6*)

Independents Hit Percentages Here

Following a meeting of independent exhibitors in the metropolitan area at the Hotel Astor yesterday,

(*Continued on page 6*)

O'Reilly Sees Lea

Charles L. O'Reilly, president of the T. O. C. C., yesterday made a flying trip to Washington for conferences with Colonel W. R. Lea, deputy administrator acting as executive assistant to General Hugh S. Johnson, on the code. He returned late last night.

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Derr Off for Coast With Plans for Six

E. B. Derr, former Pathe executive, left for the coast yesterday following a business trip here in connection with Derr-Sullivan Prod., which he says plans six features. The first starts work in Hollywood shortly, but Derr is keeping details a secret.

Distribution will be through one of the majors, he did say, however.

Blumberg Gets Set

Nate Blumberg, newly appointed general manager of the RKO circuit, currently is sandwiched between meetings of various divisional managers and getting set in Phil Reisman's old office on the 11th floor of the RKO building.

Leslie Thompson, assistant to J. R. McDonough, is now occupying Harold B. Franklin's old office. Reisman is in the 14th floor.

Sam Morris Sails

ROME, Nov. 2.—Sam E. Morris, vice-president of Warner Bros., sailed Wednesday on the *Rex* for New York after spending six weeks in Europe visiting Warner foreign exchanges.

Weiss Gets the Albee

Harry Weiss has taken over J. J. Franklin's post as manager of the Albee, Brooklyn, and Harry Moore has been given Weiss' post as manager of the Coliseum.

Isen Sails Nov. 11.

Monroe Isen, general manager for Universal in South America, sails for Buenos Aires on the *American Legion* Nov. 11. He has been conferring here with N. L. Manheim, "U's" foreign sales manager.

"My Lips" Reviewed

"My Lips Betray," starring Lilian Harvey, opens at the Old Roxy today. MOTION PICTURE DAILY reviewed it from Atlantic City on July 12.

Insiders' Outlook

POSSIBILITY that Roxy would go back to his old hatrack at the original Roxy was reported to have dimmed yesterday. Herb Lubin, who promoted the 7th Avenue Cathedral, has been working on such a deal, as this column told you a week ago today. The funds attendant upon satisfying various creditors and taking the house out of the receivership under which it has been operating for some time now were being sought from Hayden, Stone & Co., the inside goes. Yesterday Dick Hoyt, who has had a flyer or two in the picture business—notably Fox West Coast and what good memories will recall as the Richard Hoyt Syndicate—is said to have turned down Lubin's advances. Roxy was willing to return to his old stamping ground at $1,000 a week and five per cent of the profits. Yes, they actually anticipated profits. . . .

▼

Properly annotated and sealed, an official statement of prime importance may bounce out of Hollywood today. It has to do with three names, all of the triumvirate well known in the production end of the business. The move concerns two resignations and one sizable hike in added authority. Involved, as well, may be 20th Century Pictures in what would be a major expansion move. That is, if anticipations turn into facts. . . . Bulletin: Joe Schenck late last night was reported sticking to his guns, said guns having to do with continued opposition to the code, principally Article 5. This, despite presence in Hollywood and the persuasion of Brother Nick. . . .

▼

Several of the larger American distributors aren't cheering over the political situation in Germany. Privately, some consideration is understood to have been given to the advisability of withdrawing from the country entirely. Jewish film men are out of Berlin now, practically in toto, but not without memories some of them would rather keep in the limbo of the forgotten. One man—name and affiliation purposely withheld—was caught by Hitler's storm troopers as he was attempting to shake Aryan dust from his heels and badly mauled. His Paris office intervened sharply and decisively through the proper channels and managed to wheedle out a safe conduct pass. . . .

▼

Indecision on dates for "Cradle Song" and "The Way to Love" at the Paramount, New York, has been causing the general help no end of work. Before Mae West opened, "Cradle Song" was booked to follow, but when a print arrived from the coast and h.o. executives took a peek, they pulled the date, planning on a two-a-day at the Criterion. "The Way to Love" was then booked to follow Curvacious Mae. After the company decided to drop plans for the two-a-day, "Cradle Song" was again booked into the Paramount to follow "I'm No Angel," with the Chevalier picture to follow. Early this week this was changed again and now the Chevalier picture opens Nov. 10 with "Cradle Song" set for Nov. 17. Every time the bookings were changed the advertising display in the inner and outer lobbies was switched around. Likewise for the trailers. And so it goes. . . .

▼

Foreign manager had occasion to dispatch a message overseas the other day. The matter was important, also confidential. Therefore, it went in code. As the communication bounced into

(*Continued on page 7*)

All Issues Save RKO Up

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	21¾	21¼	21¾	+1½	200
Consolidated Film Industries, pfd	9¼	9	9⅛	+ ¼	600
Eastman KoKdak	71⅞	70½	71	+ ½	800
Loew's, Inc.	27½	26½	27	+1⅛	1,200
Paramount Publix	2	1¾	2	+ ⅛	100
Pathe Exchange	1½	1¼	1½	+ ⅜	1,300
Pathe Exchange "A"	8¼	8	8	+ ⅛	200
RKO	2¼	2⅛	2¼	— ⅛	300
Warner Bros.	6⅝	6¼	6½	+ ⅛	2,100

Technicolor Rises One and a Half

	High	Low	Close	Net Change	Sales
Technicolor	11¼	10	11¼	+1½	1,100
Trans Lux	1⅝	1⅝	1⅝	— ⅛	200

Warner Bros. Up One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	4	4	.....	1
Paramount F. L. 6s '47	28⅛	28⅛	28⅛	+ ⅛	2
Paramount Publix 5½s '50	29	29	29	.....	10
Warner Bros. 6s '39, wd	39½	39½	39½	+1	10

Purely Personal

LEON LEE, U. A.; ABE SCHNEIDER, Columbia, and ABE GOODMAN of Fox taught the gang a few new twists in bowling the other night at the M. P. Bowling Tournament.

WALTER EBERHARDT is planning a winter vacation this year and continues to look sad whenever anyone mentions the *Roma*.

ROY MACK will direct a "Melody Master" featuring ISHAM JONES and his orchestra and GYPSY NINA, at Vitaphone next week.

PAT GARYN is in Chicago on business for Master Arts. From there he goes to St. Louis. Due back in New York next week.

EDGAR BERGEN, the ventriloquist, starts work today at the Brooklyn Vitaphone Studio on his second short there.

BELLE BAKER, LULU MCCONNELL and the RADIO RAMBLERS have been signed by Vitaphone for future shorts.

JIMMY GRAINGER occupies CARL LAEMMLE's office at "U" when C. L. is out of the city, as he is now.

PAUL GULICK is having his troubles publicizing MARGARET SULLAVAN. She doesn't want to be.

GEORGE SKOURAS and PETE ADAMS of the Paramount, Newark, did their lunching together the other day.

IRVING BROWNING's new short will be ready for release by Principal within the next few weeks.

GEORGE GERHARD and PERCY TRUSSELL sampling the wares of the Music Hall cafeteria yesterday noon.

SOL LESSER is in London for a few days before visiting other European cities on Principal business.

AL CHRISTIE will start another MORAN and MACK at the Eastern Service Studio next week.

CATHERINE SWAN, assistant to D. A. DORAN, Fox story head, is on her way to New York.

LYNN FARNOL, Goldwyn's representative, leaves the coast tomorrow for New York.

LEWIS MILESTONE did not return the other day, as first reported. Still abroad.

HELEN HARRISON of Freuler Pictures is a serious critic of national economic policies.

JAMES WHALE, Universal director, will sail today on the *Ile de France*.

COLUMBIA LOU WEINBERG has discarded cigars for a pipe.

LES KAUFMAN is in Richmond on a Columbia tieup.

AL SANTELL leaves for Hollywood today.

MONTAGUE LOVE is around town again.

NEWS OF WEEK IN PHOTO-REVIEW

"INDUSTRY'S LARGEST LIST of contract stars, players, directors, writers'' (*Variety*) celebrates completion of first third of new-season product weeks ahead of scheduled release dates.

WILLIAM POWELL HELD for second Broadway week in his return as Philo Vance in ''The Kennel Murder Case.'' ''Thoroughly satisfactory—great—will delight fans'' is gist of peppery press praise.*

DOLORES DEL RIO JOINS mounting list of marquee magnets studding the cast of ''Wonder Bar,'' next girl-and-music show from Warners.°

3 TIMES THE CROWDS of any previous show at N. Y. Hollywood bring new records daily in first date of Muni's ''The World Changes.'' Crack campaigns put St. Louis and Boston on toes for gala premieres today.°

HIS NEW ROLE in ''Massacre,'' one of 8 films now shooting on Warner lot, shows Dick Barthelmess in this unique make-up.°

ALL ABOARD FOR "CONVENTION CITY"! Menjou, Blondell, Powell, Astor, McHugh, Ellis, Herbert head 10-star cast of Warner laugh special.°

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

Loew Reports $4,034,289 Net for Year

(Continued from page 1)

ings and equipment and Federal income taxes reduced this to a net for all corporations of $4,431,448.20. This was further reduced to the extent of $397,158.69 by minority interests' share, affiliated companies, and preferred dividends to M-G-M, etc.

The consolidated net surplus is given as $37,884,546.85. From this was paid $893,405.50 in dividends on Loew's, Inc., preferred, $2,925,171.50 on the common, and another sum of $365,647.50 as a dividend payable on Loew's common on Sept. 30. This leaves a balance of $33,700,322.35.

Total current and working assets are given as $36,420,961.53, and total assets and capital liabilities are listed at $123,697,561.35.

Warners' Cleveland Pool May Mean Race

(Continued from page 1)

two outlying houses now do on pictures housed at the Lake.

Extended runs of Warner musicals at the Lake have held up other of the company's releases. By playing them at the Hippodrome with its almost 3,000 seats, it is figured the product will be turned over faster and quicken the revenue of the sales department.

Claim $144,421 for "Parade" on B'way

"Footlight Parade," third in the current Warner musical cycle, finished its run of four weeks and a day at the Strand last night to an estimated gross of $144,421, according to the producer.

Week-by-week grosses, claimed for the picture, follow:

Week Ending	*Gross*
Oct. 11 (also preview)	$61,322
Oct. 18	41,002
Oct. 25	23,235
Nov. 1	18,112
Estimate Thursday	750
Total	$144,421

MOTION PICTURE DAILY's estimates for the first three weeks follow:

Week Ending	*Gross*
Oct. 11	$55,190
Oct. 18	36,902
Oct. 25	18,112

"Female" opened at the theatre last night.

Warners Sign MacVeigh

HOLLYWOOD, Nov. 2.—In line with Warners' plan to boost Jean Muir into the star class, Blake MacVeigh, who recently resigned from Paramount as p. a. for Mae West, has been added to the studio publicity department to handle a buildup campaign on the actress and several other personalities. Warners grabbed him just as he was leaving for New York to take over an advertising post.

The actress will share leading feminine honors with Margaret Sullavan in the Richard Barthelmess film, "A Modern Hero."

Highlights of Loew Statement

Assets

Consolidated balance sheet for fiscal year ending Aug. 31, 1933 and comparisons:

	1933	1932	1931	1930	1929
*Property, bldgs., equip. land	$69,688,157	$71,469,780	$71,417,124	$68,938,699	$65,336,097
Due from affiliated companies	515,161	664,765	786,304	1,462,121	1,974,812
Cash	4,153,061	2,904,614	a5,766,635	a6,637,370	a8,356,436
Cash for construction	.....	.....	644,831	1,489,944	1,717,938
U. S. Gov't securities	7,075,143	5,527,313	.....	.....	.....
Accounts, notes receivable	1,621,918	2,089,768	2,031,629	2,888,444	2,504,833
Sinking fund requirements—anticipated	891,253	1,080,185	1,569,462	.....	.....
Advances to producers, secured; mortgage and interest payments	884,389	1,162,103	1,262,999	1,021,539	1,667,563
Inventories: films in work, completed and released; books and rights, advertising accessories, theatre and studio supplies	22,171,287	22,560,309	27,966,536	27,860,352	23,566,230
Investments in stocks, mortgages; advances to affiliated corp.; deposits on leases, contracts, misc	13,760,272	13,818,694	14,525,985	14,821,819	14,922,491
Deferred charges	2,936,947	3,507,415	3,461,639	3,513,073	4,177,224
Total	$123,697,591	$124,784,946	$129,433,144	$128,633,361	$124,223,624

Liabilities

	1933	1932	1931	1930	1929
Common stock	$36,576,580	†$36,576,580	†$36,576,581	$34,348,805	$32,082,520
Preferred stock	13,073,980	§13,276,966	§13,721,683	13,869,103	14,023,800
Bonds, mortgages of subsidiaries	19,795,208	20,482,767	21,173,446	23,997,870	26,312,599
Debenture bonds	8,965,000	9,934,000	10,707,000	11,695,000	12,694,000
Subsidiary stock outstanding	4,571,938	4,690,819	4,815,426	4,938,446	5,561,453
Accounts payable	4,312,185	3,651,719	4,481,905	5,630,834	7,364,890
Notes payable	89,872	65,584	42,363	193,296	408,676
Sinking fund payment	.....	.....	1,000,000	1,048,500	667,000
Dividends payable	429,704	65,683	67,356	69,124	70,894
Federal, state tax	478,255	821,149	1,364,418	1,427,483	1,190,109
Accrued interest	526,685	565,397	617,085	716,911	783,433
Advances, affiliated companies	87,275	177,314	146,196	230,268	141,646
‡Accounts payable	.....	.....	154,000	210,500	¶413,236
‡Notes payable	113,750	149,175	.....	.....	.....
Contingent reserve	147,900	147,990	152,446	500,000	500,000
Deferred credits	828,839	617,016	697,091	972,919	1,284,285
Earned surplus	33,700,322	33,562,787	33,716,148	28,784,302	20,725,083
Total	$123,697,591	$124,784,946	$129,433,144	$128,633,361	$124,223,624

Consolidated Operating Statement

	1933	1932	1931	1930	1929
Gross income	$80,772,191	$107,416,036	$120,479,511	$129,521,029	$116,201,937
Expenses, amortization, etc	73,997,951	93,289,960	101,609,074	107,120,614	97,770,774
Depreciation, bldgs., equip., etc	3,673,325	3,850,915	3,831,180	3,470,573	2,748,686
Federal taxes	516,780	986,943	1,554,489	1,893,137	1,607,789
Minority interests' share, affiliated corporations	94,268	1,002,046	1,321,485	2,094,688	1,967,662
M-G-M preferred dividends	302,890	324,858	333,289	341,685	350,070
Net profit	4,034,289	7,961,314	11,829,994	14,600,332	11,756,956
Preferred dividends	893,405	927,451	946,354	953,963	969,800
Common dividends	2,925,171	5,856,567	5,710,786	4,817,122	4,034,076
Surplus	33,700,322	33,562,787	33,316,148	28,784,301	20,725,083

*After depreciation. †Represented by 1,464,205 no par shares. ‡Long term. §Represented by 140,497 no par shares. ¶Includes long-term notes payable. a Includes call loans.

Lawton Gets Injunction

Stanley W. Lawton, who just leased the Gaiety Theatre, and who is acting as general manager, has obtained an injunction from the Supreme Court restraining the Erlanger interests, owners of the property, from interfering with his operation of the theatre. A dispute over a labor question was the basis of the controversy. Erlanger refused to comment on this action.

Sally Rand Gets 10 Days

CHICAGO, Nov. 2.—Sally Rand's sentence of a year in jail has been cut to 10 days with a $250 fine added by Judge McGarry. A new trial was delayed.

March for LaGuardia

The amusement world was strongly represented at the Fusion rally at Madison Square Garden last night at which Fiorello H. LaGuardia was the chief speaker. Among those who marched to the Garden in a parade of the motion picture division of the Fusion campaign were:

Harpo Marx, George Gershwin, Marilyn Miller, Clifton Webb, Linda Watkins, Heywood Broun, Victor Moore, Lois Moran, Sid Silvers, Daniel Frohman, Sigmund Spaeth, Buddy de Sylva, Charles B. Dillingham, Alexander Woollcott, Moss Hart, George Abbott, Rita Weiman, Howard Dietz, Max Shuster, Arthur Schwartz, and David Butler.

Marx Brothers May Stay at Paramount

(Continued from page 1)

Katz, provided the former Paramount executive could secure finances. This deal is definitely cold as well as any plan for making a picture for United Artists. Before the Katz deal soured, the Marx Brothers had one picture to make on their Paramount commitment and refused to make it until Paramount threatened suit, which resulted in the comics making "Duck Soup." Harpo Marx is in from the coast and will remain here for a week before sailing for Russia.

Another Great Showman's Opinion Of

ONLY YESTERDAY

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

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J R GRAINGER UNIVERSAL FILM EXCH
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ONLY YESTERDAY GREATEST PICTURE WE HAVE SCREENED DURING

PAST YEAR PLEASE KEEP COMING

H B ROBB.

Opening Radio City Music Hall November 9th.

Thanks for your wire, Mr. Robb. We certainly will keep them coming. "You ain't seen nothin' yet!"

(Note: ROBB & ROWLEY THEATRES, INC., operate theatres in Dallas, Tex., Little Rock, Ark., and in fourteen other cities in Texas, Oklahoma and Arkansas.)

Publicity Is Held Federal Salary Club

(Continued from page 1)

grounds for invoking the penalty clause of the code, which makes an employer liable to a fine up to $10,000 for payment of "unreasonably excessive" salaries.

Continuation of the practice of paying excessive salaries by a company cited under this code provision, or the renewal of an appreciable number of contracts at unreasonable figures, would probably invoke Federal Trade Commission publicity of salaries and subsequent stockholder action, it is reported.

Academy for Public Proceedings on Code

HOLLYWOOD, Nov. 2.—Full publicity for all operations of the industry code following its adoption is to be sought by the Academy of M. P. Arts and Sciences. Lester Cowan says this will guarantee that the code will work fairly and efficiently.

"It would be appropriate," says Cowan's report to the board of governors, "for the Academy as an immediate step to ask the Administrator to make transcripts of the code authority proceedings available to the creative branches in order to carry out the spirit of the code pledging freedom of appeal from any unfair actions of officials."

Cowan is also in favor of providing machinery for negotiations on working conditions of assistant directors, as this was left out of the code by agreement with the producing companies pending discussions through the Academy.

Akron Men Working Out Their Own Code

AKRON, Nov. 2.—Local exhibitors have started work on a code of their own. Robert Manches, manager of the Liberty, has been delegated to take care of the details.

It is understood the plan is to have all signers post a cash deposit to guarantee against violations.

Wisconsin MPTO to Meet

MILWAUKEE, Nov. 2.—Nov. 21 and 22 have been set as the tentative dates for the annual convention of the M.P.T.O. of Wisconsin and Upper Michigan, Inc., at which time the theatre code will be discussed. Sol A. Rosenblatt, deputy administrator in charge of the code hearings in Washington, has been invited to address the convention here.

Muni Creates Award

HOLLYWOOD, Nov. 2.—Paul Muni has established the "Paul Muni Award" for cinema excellence in the College of Cinematography at the University of Southern California. The award goes to the student showing the greatest proficiency in motion picture study.

This is said to be the first award of its kind by a film star.

In the Family

Ann Ronell, sister of Deputy NRA Administrator Sol A. Rosenblatt had the experience of listening to her brother conduct the radio hearing in Washington yesterday.

She's interested in music, her brother in writing a code.

Music Code In Deadlock On Discounts

(Continued from page 1)

ule of discounts which had been written in and which could not be accepted. Proponents of the code declared they would withdraw the agreement as meaningless unless the discounts were retained.

Rosenblatt ordered the discount provision thrown out and the code was returned to its proponents. Finding that the code actually contained three agreements for retailers, distributors and publishers, respectively, Rosenblatt ordered the retail group to confer with Deputy Administrator Whiteside with a view to coming in under the retail code, the wholesalers to discuss the possibilities of inclusion in the proposed wholesale code and the publishers to attempt the drafting of a code which could meet the approval of the Administration.

Independents Hit Percentages Here

(Continued from page 1)

resolutions were passed hitting the alleged practice of excessive percentages and preferred playing time demands by major companies. The I. T. O. A. will seek the cooperation of the distributors and other exhibitor units in an effort to eliminate these demands, the unit states.

The board of directors of the organization yesterday met with Felix F. Feist and William F. Rodgers of M-G-M on the local sales policy of the company and other sales managers have been invited to confer on the situation. Harry Brandt, president of the unit, presided.

Until the percentage and preferred playing time dispute are settled the local buying strike will be continued.

Fox-RKO Downtown Detroit Pooling Set

DETROIT, Nov. 2.—Pool of the Fox Detroit and the RKO Downtown was set today with the management in the hands of David Idzal for RKO. Idzall has been managing the Fox for some time. Under the terms of the deal, stage shows and the pick of pictures will go into the Fox, with remaining films slated for the Downtown. RKO will book both the films and stage attractions.

Arthur Frudenfeld, who has been in Detroit for RKO for some time, will remain for a few weeks to cooperate with Idzall, and will then be given another post in RKO.

See Film Code To Roosevelt By Tomorrow

(Continued from page 1)

virtually completed his consideration of the agreement.

So far advanced has the code become within the last day or two that it is understood General Johnson's report to the President stands completed and ready for signature as soon as he is assured that no further changes will be made.

What is expected to be the final effort of Abram F. Myers of Allied States to secure amendment of the code was made today during a long conference with Col. Lea.

It is understood that the code as it will go to the White House will be in all important particulars the third revision, but that a number of changes have been made for purposes of clarification.

Plunkett Charges Plagiarism of "M"

(Continued from page 1)

damages and charging the defendants with plagiarism of the German production "M" in Paramount's "This Day and Age."

Emanuel Cohen, Paramount production head, and Cecil B. De Mille are also named as defendants in the action. Plunkett owned American distribution rights to "M," which Paramount, incidentally, took over for distribution in the early days of Hitlerism.

The complaint, filed in New York Supreme Court by Saul E. Rogers, attorney for Plunkett, sets forth that the complainant and Walter Reade, after obtaining American rights to "M," negotiated with Columbia for its distribution, obtaining a $10,000 guarantee from that company. Later, it is charged, Schaefer became interested in the picture for Paramount distribution and a deal was closed. The picture, however, was not released by Paramount, and in the meantime, the complaint charges, "This Day and Age" was released.

Louis Phillips of the Paramount legal department, said yesterday in commenting on the action that he had "looked at both pictures involved and saw no basis for a plagiarism suit."

"Their themes are diametrically opposite," he said. "'M' is the story of a fiendish murderer of children. 'This Day and Age' is simply the story of depredations of schoolboy gangs."

Suit on "Holiday" Against Para. Out

An action involving a petition for an injunction restraining Paramount from producing "Death Takes a Holiday" was dismissed without trial yesterday by Federal Judge Henry Goddard in U. S. District Court.

The action was brought by Myra Wyren and charged that her play, "Most," had been plagiarized by "Death Takes a Holiday," screen rights to which are owned by Paramount. The action also asked an accounting of profits of the stage run of the play from the Shuberts.

"My Woman," Lombardo Big Detroit Draw

DETROIT, Nov. 2.—"My Woman," helped by Guy Lombardo and his band, piled up $14,100 at the Downtown last week, topping average by $4,100.

Total first run business was $76,500. Average is $77,000.

Estimated takings for the week ending Oct. 26:

"MY WOMAN" (Col.)
DOWNTOWN—(2,750), 25c-50c, 7 days. Stage: Guy Lombardo and Royal Canadians, Sammy Lewis, Patti Moore. **Gross:** $14,100. (Average, $10,000.)

"BUREAU OF MISSING PERSONS" (F. N.)
FISHER—(2,975), 15c-50c, 7 days. **Gross:** $6,400. (Average, $10,000.)

"THE POWER AND THE GLORY" (Fox)
FOX—(5,100), 15c-50c, 7 days. Stage: Gene Denis, Barney Grant, the Bell Twins. **Gross:** $16,200. (Average, $15,000.)

"BOMBSHELL" (M-G-M)
MICHIGAN—(4,100), 25c-50c, 7 days. Stage: Jimmy Savo, Major, Sharp & Minor, Gordon, Reed & King. **Gross:** $21,200. (Average, $20,000.)

"MEET THE BARON" (M-G-M)
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $6,200. (Average, $10,000.)

"I'M NO ANGEL" (Para.)
STATE—(3,000), 25c-50c, 7 days, 3rd week. **Gross:** $12,400. (Average, $12,000.)

Dismissal Is Asked For DeForest Suit

CINCINNATI, Nov. 2.—In a suit filed in Federal court here by the General Talking Pictures Corp. against D. F. McCoy, owner of the La Max, and the Clinton County National Bank & Trust Co., seeking to recover $3,995 from McCoy, and $1,000 from the bank, plus six per cent interest in both cases, for alleged breach of contract involving installation of DeForest Jr. Phonofilm in 1929, defendants have filed motion for dismissal on the ground that the amount involved is not sufficient to give Federal jurisdiction, and that the two separate causes of action in the petition are contrary to the rules of practice.

The bank is involved because of the $1,000 deposited in escrow by McCoy representing initial cash payment on the equipment, which deposit the bank subsequently returned to McCoy.

F. & M. Shows Start New St. Louis Race

ST. LOUIS, Nov. 2.—Theatre managers are watching the St. Louis, to be opened tomorrow night under the F. & M. banner with a lot of curiosity. The house has been scaled at 25 cents until 6 o'clock and 40 cents top from 6 to closing.

Opening program includes two features, a stage show, and 49 girls. More shows like this are expected to stir up a new brand of competition.

St. Louis May Pass Standing Room Ban

ST. LOUIS, Nov. 2.—That anti-standing room bill introduced in the Board of Aldermen after one of its members had failed to get a seat at a showing of "I'm No Angel" in the Ambassador, it is said, has attracted important support and may pass.

Among those behind the bill is the St. Louis Safety Council.

Insiders' Outlook

(Continued from page 2)

the company's own telegraph office, remarked the dispatcher: "The code has hit the cables at last." . . . Al Santell, in from the coast, has been seen around town with Jimmy Grainger. Then, what? Well. . . . Nice gesture: The way Nate Manheim, Universal foreign manager, has offered to help Phil Reisman, RKO foreign manager, over some of the new hurdles which Reisman will have to jump. Phil, incidentally, won't be admitted into the overseas fraternal organization until he clips foreign exchange tables from the New York dailies and carries them in his vest pocket. . . .

KANN

Nat Williams Heads Southeastern Ass'n.

ATLANTA, Nov. 2.—Nat Williams of Thomasville, Ga., is the new president of the Southeastern Theatre Owners' Ass'n. He succeeds Col. T. E. Orr.

Other officers named at the closing session of the three-day convention here were: Vice-president for eastern Tennessee, Hugo V. Manning of Athens; vice-president for Alabama, Col. Orr of Albertville; vice-president for Florida, Mitchell Wolfson of Miami; secretary and treasurer, Love B. Harrell of Atlanta.

Southwestern Plans To Start First Soon

Southwestern Producers, Inc., headed by Bettye Lou Blount, is getting ready to start the first of a series of features. It will be called "Way Down South."

Another in preparation is "The Birth of Texas," with the fall of the Alamo as a highlight. George Melford is in charge of production. Arrangements for release are being made through a major company, according to Southwestern.

May Give "Design" Run

Paramount is considering "Design for Living" as a two-a-day attraction with a New York premiere at the Criterion sometime in December. Ernst Lubitsch, director, arrives Sunday from the coast on a vacation and will look over a number of plays and other material as his next vehicle. He will also attend the local premiere.

Again Denies Film Plans

Katharine Cornell denies stories from Hollywood to the effect that she will appear in "The Good Earth" for M-G-M. She says she has arranged a series of one-night stands for the stage version of "The Barretts of Wimpole Street" and that M-G-M has agreed to withhold the picture until this tour is completed.

Missouri Tax Bill In

JEFFERSON CITY, Mo., Nov. 2.—A bill providing a tax with a sliding scale on theatre admissions was introduced in the Missouri legislature today.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 1)

four clowns traipse through insane antics, ranging from the crazy to the nutty to burlesque to slapstick to buffoonery, all resounding in sequences of button-bursting mirth.

Laid in a mythical kingdom, it's a hot cha potpourri of court etiquette, cabinets, nightgowns, spies, mirrors, royal bedrooms, dictators, peanuts and a cartoon war with the idiots singing "Oh, Oh Suzanna," sleeping with horses, playing xylophones on huzzars' helmets while Paul Revere rides. It's all gorgeous lunacy, senseless as a scrambled jig-saw puzzle, full of new, old, but always funny gags and honest laughter.

Leo McCarey's direction is smart and distinctive. Production values are more lavish than their previous operas. Kalmar and Ruby's book, lyrics and music hit a high note in original coglomerations, aided by Sheekman's and Perrin's additional dialogue. Margaret Dumont, Louis Calhern and Raquel Torres lead the supporting roles. "Duck Soup," unrestrained as it is, should be swell pickin's for exhibitors. It should set the box-office agog and audiences agaga.

"Female"

(First National)

Ruth Chatterton's experiences as a hard-boiled executive in search of a lover who will take her for what she is and not for her power and money stack up as delightful entertainment. It will amuse audiences generally as it did the Strand patronage last night. Miss Chatterton does clever work in the major role, while George Brent, Philip Faversham, Ruth Donnelly, John Mack Brown, Lois Wilson, Gavin Gordon and a number of others lend capital support.

As president of the Drake Motor Co., Miss Chatterton dominates her employes to the extent that she even orders some of them to visit her at her home after working hours in the hope she may find a romantic soul. All are puppets of her whims, interested in furthering their business desires. She finally decides to step out incognito and meets Brent at a carnival. Trying to rule him in a mild way doesn't get her very far.

Later Miss Chatterton finds Brent is the engineer she ordered taken away from another company, and when she tries to make a puppet of him, he resents it. Brent has taken a liking to her, but doesn't respond to her romantic commands. He leaves the company just as it becomes involved in a financial crisis. It is a choice between letting the company pass into other hands or go after her hero. She chooses the latter. However, Brent understands, and with her goes to New York to save the motor company, and the heroine from further pursuit.

"Notorious But Nice"

(Chesterfield)

This Chesterfield production for all its routine story manages to be entertaining. It poses a love tale against a background of racketeering and night club life and gathers into a single pot a mixture of every situation in films of this kind that is supposed to bring response from audiences in neighborhood houses.

The central theme of virtue vindicated has all the elements calculated to touch a susceptible heart. Never was a blacker plot cooked up to besmirch a woman's name as is conceived by a wealthy lad's guardian to get him away from a girl he loves in order that the boy may be brought to marry his daughter. Circumstantial evidence plus a tale of infidelity concocted by the guardian results in a dissolution of the romance. The wronged girl marries a racketeer in a desperate moment. When the husband is shot by a rival gangster she is held as the killer. This gives excuse for a courtroom scene that turns out to be the finest part of the film by all odds, being genuinely gripping and effectively staged. Everything is straightened out in the end.

The cast is good, with Marian Marsh and Donald Dillaway as the lovers especially worthy of mention. Betty Compson plays a lady of easy virtue with the hardness associated with such a role. Others who do good work are Rochelle Hudson, John St. Polis, Henry Kolker and J. Carroll Naish.

Charlotte Henry to Tour

Plans are under way by Paramount to have Charlotte Henry, Brooklyn girl, who recently won a beauty contest, make a personal appearance tour in key cities where "Alice in Wonderland" will be dated. She plays the leading role in the film which will be completed in two weeks.

AMPA Hears Ryskind

Morrie Ryskind, former publicist and now playwright, and Conrad Lightner were guests of honor at the A. M. P. A. yesterday. Ryskind told of some of his experiences working for film companies, while Lightner, a mental telepathist, gave an exhibition of his hypnotic powers.

Hollywood Personals

Hollywood, Nov. 2.

BARBARA STANWYCK has recovered from her illness and left Wednesday for Hollywood to begin work in "Blood of China" (Warner).

HARRY EDWARDS has started direction of a new Mermaid comedy at Educational tentatively called "Strained Relations."

SAM SCHECK, Broadway dance producer, has been signed by Universal to handle the musical routines of "I Like It That Way."

JESSE LASKY and JOHN BLYSTONE are looking for debutantes for "Coming Out Party."

GEORGE BILLINGS and CLARA BLANDING go into "As the Earth Turns" (Warners).

MIRIAM JORDAN goes to Columbia for a role in "Let's Fall in Love" on a loan from Fox.

KETTI GALLIAN, recently signed by Fox, gets the lead in "Marie Gallant."

SHIRLEY TEMPLE and HERMAN BING cast in "Mandalay" (Warners).

NOEL MALISON spotted in "I Like It That Way" (Universal).

FRANK REICHER grabs a spot in "Hi Nellie!" (Warners).

Nazi Yarn Stirs Up Wieck Boycott Talk

HOLLYWOOD, Nov. 2.—Motivated by an article appearing in Louella Parsons' column today saying that Baron Ernest Von der Decken, editor of a Hitler newspaper, is on his way here to visit Dorothea Wieck, local Jewish groups are up in arms, with undercover talk of a talent boycott supplementing a German merchandise boycott.

It is alleged that on the set Miss Wieck has voiced pro-Nazi sentiments to which Miss Parsons alluded in her column.

Local Jews say they cannot understand why Paramount, headed by Adolph Zukor, Ralph Kohn and Emanuel Cohen, should have renewed Wieck's contract, if they knew about this.

The studio comes to Miss Wieck's defense with the statement that at no time has she discussed pro-Hitler propaganda, adding that she has worked hard since arriving in Hollywood, always minding her own business. The company asserts the fact that the baron is on his way here should not be construed as having any significance.

Kirchwey Heads Board

Dr. George W. Kirchwey, former Columbia Law School dean, has been reelected chairman of the National Board of Review executive committee. Other members are: Dr. Frederic C. Howe, Walter W. Pettit, Mrs. Miriam Sutro Price, Dr. Myron T. Scudder, LeRoy E. Bowman, Dr. Frank Astor, Judge Davis, Dr. Louis I. Harris, George W. Zehrung and Dr. William B. Tower.

HER FACE *will be* YOUR FORTUNE

DOROTHEA WIECK

in Paramount's "CRADLE SONG"

"Maedchen in Uniform" definitely proved DOROTHEA WIECK'S great potentialities. PARAMOUNT...the only company that brought forth two great stars in the past year, MAE WEST and BING CROSBY...has taken great care to develop these by providing Miss Wieck with an exceptionally fine screen play written by Marc Connelly, author of "Green Pastures."

Directed by Mitchell Leisen

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 107 NEW YORK, SATURDAY, NOVEMBER 4, 1933 TEN CENTS

Work Spread Of Musicians To Start Soon

Weber, Federation Head, Confirms Daily Story

That some system to spread employment among idle musicians will be definitely put into effect in the near future was confirmed yesterday by Joseph N. Weber, president of the American Federation of Musicians. First reports of this action appeared exclusively in MOTION PICTURE DAILY on Oct. 25.

Decision to adopt such a proposal is a development of conferences which have been under way between Weber and representatives of national circuits. The move grew out

(*Continued on page 3*)

ITOA Dickers for Flat Union Costs

In negotiating deals with Local 306, the I. T. O. A. is deviating from the regular union procedure by dickering for sum total prices of individual booths rather than salaries for individual operators.

Opinion of the exhibitors is that they are not interested how many men work one, two or five days a week in the booth as long as the projection

(*Continued on page 3*)

Houses in Atlanta Opened on Sundays

ATLANTA, Nov. 3.—Blue Sunday passed into the discard in Atlanta last Sunday when the theatres opened for regular operation here, unrestricted for the first time in the history of the city. About five weeks ago, citizens voted about four to three for an

(*Continued on page 3*)

It's Churchill

Despite general belief that it was Ann Ronell who wrote the music for "Who's Afraid of the Big Bad Wolf?" the original music and lyrics were written by Frank E. Churchill, member of Walt Disney's staff which turned out "Three Little Pigs."

Miss Ronell wrote additional lyrics and is so credited on sheet music published by Irving Berlin.

NRA Far from Discard Point; Swope Plan Faces Opposition

Washington, Nov. 3.—It will be some time before the NRA is broken up, if at all, and its permanent administration turned over to any National Chamber of Commerce and Industry, as suggested earlier in the week by Gerard Swope of General Electric. The plan provides for use of the present U. S. Chamber of Commerce as a nucleus.

Today organized labor, the National Ass'n of Manufacturers, and many prominent individuals and organizations in industry began to load the Capital with their protests to the Swope plan.

Another factor, not too easily disposed of, hinges on the original plan to turn over the NRA to the Department of Commerce. This idea is still very much alive.

Laemmle Sees Slight Help From Russia

HOLLYWOOD, Nov. 3.—American producers will benefit little, if at all, from recognition of Soviet Russia, as the type of films made here is taboo in the Soviet, where the screen is used as a medium of political propaganda, said Carl Laemmle, who arrived here today from a trip abroad. Measured by Russian standards, films produced by American companies are entirely unsuited for Russian audiences, Laemmle explained.

Picture preferences in Europe are greatly diversified, with as many demands in the way of screen entertain-

(*Continued on page 3*)

Vaudeville Is Given Break in Cleveland

CLEVELAND, Nov. 3.—Vaudeville here took a sudden spurt this week when the Hippodrome and the RKO Palace put on six acts in a competitive stage show battle. It is rumored Loew's will inaugurate either a presentation or vaudeville at the State around the first of next year.

Loew's has reverted the Stillman policy to duals again with "Tillie and Gus" and "Gigolos of Paris" now

(*Continued on page 3*)

"Angel" at $55,000 3rd Paramount Week

Third week of "I'm No Angel" at the New York Paramount netted the house $55,000.

The Hollywood, with "The World Changes," grossed $24,740 for the week ending Thursday, while the Old Roxy intake for the seven-day period was $19,000. The Music Hall with "Berkeley Square" took in $80,344 for the week ending Wednesday.

Independents Expected to Accept Code

With increasing indications that President Roosevelt would sign the code some time this week-end, or by Monday night at the latest, independent factions here appear reconciled to code provisions in their present form, including membership on the code authority and the set-up of local grievance, clearance and zoning boards.

The present independent attitude is seen traceable to conferences held recently between independent leaders, Administrator Hugh S. Johnson, Col. W. Robert Lea, Johnson's executive assistant, and Deputy Administrator

(*Continued on page 3*)

Detroit RKO House Goes to Dual Bills

DETROIT, Nov. 3.—With its policy of offering straight sound shows, the RKO Downtown this week is offering a double bill composed of "East of Fifth Avenue" and "Ace of Aces." Under the recent pooling arrangement made with the Fox, stage shows tabbed for the Downtown are being put into the Fox, the latter playing the first of them, Earl Carroll's "Vanities," this week.

Arthur Frudenfeld, former divisional manager for RKO, has gone to New York to assume duties there with RKO.

Triple Bills Worry Salt Lake Showmen

SALT LAKE CITY, Nov. 3.—Inauguration of triple bills at the Orpheum and the Playhouse has caused a stir among subsequent runs here. Most houses have been running duals and

(*Continued on page 3*)

White House Is Awaiting Code Today

Johnson or Lea to Release Statement on Pact

WASHINGTON, Nov. 3.—With the film code completed and his report ready for signature, Administrator Hugh S. Johnson tomorrow is expected to lay the motion picture situation before the President. All codes ready for approval will be taken to the White House in order that Johnson may clear his desk before he leaves on his western trip.

Tomorrow also Johnson or his executive assistant, Col. W. Robert Lea, will issue a statement discussing the code, it is understood, in order that the country may have a clear explanation of the negotiations to offset the reports of controversy and dissension which have been broadcast.

O'Reilly Asked for Code Clarification

Charles L. O'Reilly, president of the T. O. C. C., sought clarification of various code provisions and their phraseology during his conference Thursday with Col. W. Robert Lea, executive assistant to Administrator Hugh S. Johnson, in Washington, it was learned yesterday. No changes in the code were sought by O'Reilly.

Discussing "Alice" For RKO Music Hall

Paramount and RKO are understood negotiating a deal whereby "Alice in Wonderland" will be booked into the Music Hall for Christmas week. RKO executives are understood to feel that the picture can gross about $150,000 for the week, setting a new all-time record for the 6th Ave. house. Provided the deal is not closed, RKO is considering dating "Little Women" instead.

Three-way Race

Cleveland, Nov. 3.—A three-way competitive program in one house is now current at the Allen where "Three Little Pigs" is pitted against "Lullably Land," two Walt Disney subjects, which in turn are competing for honors against "The Life of King Henry the VIII." All are U. A. releases.

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Brown Joins Supply Company in Chicago

CHICAGO, Nov. 3.—George H. Brown, former western supervisor of construction for RKO theatres, has joined Guercio & Barthel Co., equipment supply dealers, who today moved to new quarters at 908 South Wabash Ave. He will be engaged on the theatre building and decorating end of the business.

Brown came here last August from the coast where he handled receivership problems in connection with a number of houses.

Winchell, Ill , Goes On Another Vacation

Starting Monday, Walter Winchell will take a leave of absence from the New York *Daily Mirror* on physician's orders, it was said yesterday. With today's column, the gossip writer will say good-bye to his readers until he is pronounced fit to return to the wear and tear of a Broadway columnist's life. Paul Yawitz will bat for him until he returns.

Unconfirmed rumors making the Broadway rounds are to the effect that Winchell has resigned.

Dismisses Connors Suit

Magistrate August Dreyer yesterday dismissed a suit brought by Chuck Connors, Jr., against John Wright, manager of the Rivoli, charging criminal libel in connection with the showing of "The Bowery."

New Trans-Lux

Major L. E. Thompson is adding a new link to the chain of Trans-Lux houses when he opens the new Trans-Lux Theatre on Madison Avenue, Friday, November 10.

Guy P. Morgan Here

Guy P. Morgan, general manager in Argentina since 1929 for United Artists, is here for a series of conferences with home office executives.

Looking 'Em Over

"Day of Reckoning"

(*M-G-M*)

Una Merkel gives a grand performance in a role that calls for much more than a display of her comedy talents. In fact, she practically steals the picture from start to finish in the role of a nurse who cares for the children of Richard Dix and Madge Evans.

It's the story of a man who embezzles to help his wife maintain a social front. When he is jailed she goes to Conway Tearle for aid, and Tearle fixes it so that Dix gets a two-year sentence. In the course of a developing friendship between Tearle and Miss Evans, Miss Merkel cares for the children, in spite of the fact that Stuart Erwin, driver of a milk wagon, is seeking her hand in marriage. Pathetically, she even takes the children to a park across the street from the jail so Dix can see them from a window.

A jealous woman shoots Miss Evans in Tearle's apartment. He is sent to the same prison with Dix, and Dix attacks him. The big scene of the pictures takes place on the roof of the jail as Dix and Tearle fight on a cornice. Tearle is killed.

Faithful to the last, Miss Merkel gets Erwin to meet Dix when he is released and she restores Dix's children to him on a farm where she is living with Erwin's parents.

It has some gripping and highly emotional moments, but Dix has had better roles.

"Eat 'Em Alive"

(*Harold Austin-Real Life Pictures*)

An interesting six-reel photographic study of reptile and animal life and conflict on the American desert, where Nevada ends and California begins, made by Harold Austin, who turned out "Africa Speaks," "Monsters of the Deep" and others.

A press sheet on "Eat 'Em Alive" lists the following encounters as the "eight most important battles in the pictures." Incidentally, they comprise the story and the content of the film. There is an engagement between a "sidewinder" rattler and a king snake; one between a gila monster and a diamond-back rattler; a mongrel pit dog vs a rattler; a monkey-faced owl vs a snake; a centipede vs a black widow spider; a fitch vs a desert rat; land turtle vs land turtle, and a fitch vs a rattler.

Most of these contests are to the death and for the purpose of obtaining nourishment; the process of mastication in each case being shown in close-up and in lengthy footage, which facts evidently earn the picture its title. So photographically detailed are some of the shots that they may prove revolting to women, children and sensitive males.

Photography is excellent, and the desert setting is picturesque and highly interesting. The film appears to be original and genuine.

Loew Up One and a Half

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22⅛	21⅞	22⅛	+ ⅜	100
Consolidated Film Industries, pfd	9½	9¼	9½	+ ⅜	100
Eastman Kodak	72½	71	72½	+1½	200
Fox Film "A"	14¾	14¾	14¾	+ ½	100
Loew's, Inc.	28¾	27	28½	+1½	3,500
Paramount Publix	1⅞	1¾	1⅞	— ⅛	100
Pathe Exchange	1⅜	1⅜	1⅜	— ⅛	500
Pathe Exchange "A"	8⅝	8	8⅝	+ ⅝	400
RKO	2½	2½	2½	+ ¼	300
Warner Bros.	6⅝	6⅜	6⅝	+ ⅛	500

Technicolor Gains Quarter

	High	Low	Close	Net Change	Sales
Technicolor	11½	11⅛	11½	+ ¼	1,500

Pathe Jumps Two Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	3⅞	3⅞	— ¼	3
Loew's 6s '41, ww deb rights	84¼	84¼	84¼	.....	1
Paramount Broadway 5½s '51	30	29	29	—1	2
Paramount F. L. 6s '47	28	27¾	27¾	— ¼	2
Paramount Publix 5½s '50	28⅛	28⅛	28⅛	— ⅞	1
Pathe 7s '37, ww	82	80	82	+2	3
Warner Bros. 6s '39, wd	39½	39½	39½	.....	10

Five amusement shares listed in the *New York Times* index of 20 stocks listed on the New York Stock Exchange show a decline of $13,198,707 in paper value for October as compared with September. The decline in points was 1,400.

Purely Personal

PEGGY GOLDBERG of the Educational publicity department says that the Paul Terrytoon, "Beanstalk Jack," and Radio City Music Hall were "made for each other," after viewing them together.

JULES LEVY and AL LICHTMAN going opposite ways, met at 6th Ave. and 46th St. yesterday afternoon, and after a handshake both went Lichtman's way.

PAT GARYN returned to New York from the Middle West yesterday. He was gone two weeks in the interests of the Edwin C. Hill series for Master Art.

KATHARINE HEPBURN will appear in "Sky Blue" on Broadway for JED HARRIS as soon as she finishes her current film for Radio.

MYRON SATTLER, New Jersey Paramount exchange manager, is suffering from a sore back. He claims his back is going back on him.

MITCHELL LEICHTER has formed the Anchor Productions, and is planning eight features at the "Bud" Pollard studios.

MORRIS SEGAL of Majestic Pictures has bought the rights to "Hell's Holiday" from Superb for Ohio and Kentucky.

British Equipment Stir Has Subsided

LONDON, Nov. 3. — Excitement stirred up among members of the Cinematograph Exhibitors' Ass'n by the publication of a series of stories in the *Daily Film Renter* that equipment manufacturers were organizing a combination to boost prices and end discounts has subsided.

After a number of denials from manufacturers and the start of a movement among exhibitors to organize a buying combine, the manufacturers met and failed to reach an agreement.

Warner Deal Near Close

CLEVELAND, Nov. 3.—The Warner deal to take over the Hippodrome today officially progressed beyond its preliminary stage, with final arrangements to be announced any day.

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Independents Expected to Accept Code

(Continued from page 1)

Sol A. Rosenblatt. It is reported that while these conferences, including those with Abram F. Myers, Allied States general counsel, were productive of no changes of any significance in the code, the independent leaders were assured that if any injustices to the industry or the public appeared in the administration of the code after it had been in force 90 days, revisions would be made by NRA at that time, providing it had been shown that changes were required.

It was also made clear to independents, according to report, that what they allege to be an unequal representation on the code authority, as between independent and major interests, had little likelihood of working a disadvantage, even if independent contentions were well grounded. It was pointed out that all actions of the code authority, and of other code administrative bodies, were subject to review by Administrator Johnson and, further, that a code authority would stand or fall by its own acts, and that if these acts were not in the best interests of the public and the industry, the code authority membership would quickly discredit itself and be replaced.

Independents were futher admonished, it is reported, to reconcile themselves to a 90-day trial of the code in practice, as an evidence of good faith, and were counselled that no vital changes in any phase of its structure would be made prior to that time, and then only if required. A fair chance for the code, so laboriously arrived at, was insisted upon by the NRA officials, it is said.

The view of the administration men, it is reported, is that further arguments, pro and con, having to do with the workability of any code provision as it now stands are theoretical and useless and have all been heard by the codifiers before now. Only practical application of the code can demonstrate whether or not its provisions are sound or impractical now, the administration officials are said to be convinced, and this viewpoint, it is reported, was followed with the dictum that the code must be given a 90-day trial.

Allied Meeting Delayed

DETROIT, Nov. 3.—The annual meeting of Allied of Michigan, originally scheduled to be held at Flint on Nov. 7, has been postponed until some time in December. Postponement was made to permit the industry code to be completed, so Allied may consider it at the annual convention. H. M. Richey said the meeting might be held in Grand Rapids instead of Flint, many exhibitors having expressed a preference for the latter city.

Plans New Weekly

Tamar Lane, editor of *The Film Mercury* of Hollywood, plans a new weekly to be known as *New Film Times*. Devoted primarily to production and published in New York, first appearance is scheduled for next week.

Laemmle Sees Slight Help From Russia

(Continued from page 1)

ment as there are countries and racial divisions, said Laemmle. Elucidating, he related that at a meeting of European managers at the Paris office, each executive expressed a preference for something different than demanded by the others. Where some wanted mysteries or musicals, others said there was no market for them, and so on. Likewise, it was found that while in some sections of the continent dubbing is favored, elsewhere superimposed titles with English dialogue are the vogue.

Few musicals made in America are successes in Europe, Laemmle learned while abroad. During his sojourn in Paris, "42nd Street" failed to panic the Parisians, despite its performance in this country. Likewise, European productions present a problem for American distribution. "Le Maternel" ("Motherhood") produced by Universal in France and currently a hit there, was contemplated for distribution in this country. But it was later decided not to bring it in, inasmuch as it contains certain scenes which, while they vastly amuse the French, probably would be frowned upon here.

Considering the fact that "Back Street" is now in its 11th week in Paris, Laemmle makes the observation that the French, at least the Parisians, prefer dramas to any other type.

Laemmle confined his European stay to Paris, where he remained 15 days. He reversed his usual custom of visiting continental capitals by having his managers come to Paris for conferences. A banquet gave the Universal executives from the various countries opportunities to become acquainted.

Originally, Laemmle intended to stay in Paris three or four days, then proceed to Switzerland and London. But decision to hold all conferences in Paris, plus the crisis arising from the German situation, superseded those plans.

Printer Quits AMPA

With the resignation yesterday of one of the three printers who are members of the association, the A. M. P. A. is rapidly getting its house in order. The second will drop out next week and the last, now on the coast, is being asked to tender his resignation.

Membership figures have 146 as fully qualified, 75 of whom are paid up to date and 42 for 1934.

Feud's Over

Hollywood, Nov. 3.—W. C. Fields says the feud between himself and Baby LeRoy, under way since the making of "Tillie and Gus," has been terminated. Fields, who blew up recently, declaring that Baby LeRoy had stolen several of his best scenes not only in "Tillie and Gus" but during the making of "Alice in Wonderland," has agreed to let the matter drop providing the youngster isn't cast in "Six of a Kind," Fields' next. Paramount officials have agreed. Baby LeRoy has remained indifferent throughout.

ITOA Dickers for Flat Union Costs

(Continued from page 1)

machines are manned by sufficient men. They claim that no matter how many different men operate the machines the scale for the booth will be the same, even though two men may work two days a week and other one or three.

Exhibitors say they don't want to be singled out as not providing enough employment for any of their workers to provide a living wage. They are willing to spend what they can afford for each booth and how Local 306 distributes the employment should not reflect on the exhibitors, they declare.

Local 306 has agreed to negotiate on this basis, and it is understood the stagehands' and musicians' pacts will be made the same way.

"Yesterday" Opens Nov. 9

HOLLYWOOD, Nov. 3.—Premiere of Universal's "Only Yesterday" will take place here at the reopening of Pantages Hollywood, Nov. 9. The picture was previously slated to open Nov. 2, but was postponed through inability of Pantages to line up stage presentations and subsequent product to follow this run.

Earned $2.15 a Share

Loew's, Inc., profits of $4,034,289 for the fiscal year ending Aug. 31, 1933, represent earnings of $2.15 on each of the 1,464,205 shares of common outstanding. The per-share earnings for the previous year were $4.80.

Bowes to Run NVA Show

Maj. Edward Bowes will have charge of the 17th annual benefit for the N. V. A., which is to be held at the Metropolitan Opera House Nov. 12.

How Amusement Shares Dropped

Five major amusement issues, traded in on the floor of the New York Stock Exchange, declined $13,198,707 in paper value last month, according to index figures maintained by the *New York Times*. The shrinking was part of a general market tendency downward.

The data:

	Shares Listed.	Closing Sept.	Closing Oct.	Net Change	Change in Values
Fox Film (new)	2,417,802	15	14¼	— ¾	$1,813,351
Loew's	1,464,205	30¾	26½	— 4½	6,588,922
Madison Square Garden	319,124	2⅞	2¾	— ⅛	39,890
Radio-Keith-Orpheum	960,065	2⅞	2⅜	— ½	480,032
Warner Bros.	3,801,344	7⅜	6¼	— 1⅛	4,276,512
Total					— $13,198,707.

Work Spread Of Musicians To Start Soon

(Continued from page 1)

of a request understood to have been made by Deputy NRA Administrator Sol A. Rosenblatt that the circuits meet with the head of the musicians' group in an attempt to devise some means of cutting down unemployment among the musicians of the nation.

It was said by Weber that his organization is now in the midst of conferences with the radio broadcasters in an effort to get them to come in on the proposed scheme.

A stagger system is understood to be favored. The idea provides for a 25 per cent replacement of new musicians at current wages. Without added expense to the theatre operator, it would make it possible for idle musicians to get partial work through the willingness of employed musicians to sacrifice part of their wages for the good of the profession as a whole.

Another suggestion is that prevailing wage scales be adjusted to enable neighborhood deluxe houses to add one or more men to their orchestras over the week-end.

A third proposal involves theatres where the policy is to use occasional stage units requiring orchestras to augment the screen fare. Theatremen hold that more stage units would be employed if local musicians' unions desisted from attempting to capitalize on such a policy by trying to force a contract over longer intervals of time.

Triple Bills Worry Salt Lake Showmen

(Continued from page 1)

managers are wondering where the product will come from if they are forced by competition to put on triples.

First runs are feeling the pinch and Louis Marcus is planning to start stage shows at the Capitol Nov. 9. An orchestra headed by Curt Peterson, with Gus Farney as concert organist, has been engaged. Harry David, Marcus manager, is in Los Angeles lining up talent.

Houses in Atlanta Opened on Sundays

(Continued from page 1)

"open" Sunday. Last week the council repealed the "blue law" ordinance prohibiting Sunday theatre operation.

Under the state law, theatres may operate if a portion of the proceeds are devoted to charity. Ten per cent of the proceeds from the Atlanta Sunday operation will be given to the Scottish Rite Crippled Children's Home.

Vaudeville Is Given Break in Cleveland

(Continued from page 1)

current there. Abraham Kramer and Meyer Fine have added the Allen to their circuit, making a total of 34. Walter Lynch of Meadville, Pa., has been appointed manager of the Allen.

"Angel" Hits $24,500 2nd Week in L.A.

Los Angeles, Nov. 3.—"I'm No Angel" ran away with the biggest gross in this territory last week, its second, at Grauman's Chinese. The gross, $24,500, was more than $10,000 over normal.

"The Bowery," also a holdover, piled up $16,000 at United Artists. "Sweetheart of Sigma Chi" was a good draw at the Los Angeles at $4,100, and "Saturday's Millions" and "Ann Vickers" were slightly better than normal.

Total first run business was $114,300. Average is $95,400.

Estimated takings for the week ending Oct. 25:

"I'M NO ANGEL" (Para.)
CHINESE—(2,500), 50c-$1.65, 2nd week, 7 days. Sid Grauman prologue. **Gross:** $24,500. (Average, $14,000.)

"BROADWAY TO HOLLYWOOD" (M-G-M)
LOEW'S STATE—(2,415), 25c-40c, 7 days. Jimmy Grier and his orchestra, stage show. **Gross:** $12,500. (Average, $14,000.)

"SATURDAY'S MILLIONS" (Univ.)
PARAMOUNT—(3,598), 25c-40c, 7 days. Georgie Stoll and his orchestra, stage show. **Gross:** $18,500. (Average, $18,000.)

"ANN VICKERS" (Radio)
RKO—(2,700), 25c-40c, 7 days. **Gross:** $8,100. (Average, $8,000.)

"EVER IN MY HEART" (Warners)
WARNERS (Hollywood)—(5,000), 25c-55c, 7 days. Teddy Joyce and his orchestra, stage show. **Gross:** $12,500. (Average, $14,000.)

"EVER IN MY HEART" (Warners)
WARNERS (Downtown)—(3,400), 25c-55c, 7 days. Max Fisher and his orchestra; Billy Snyder, m. c. Stage show. **Gross:** $9,500. (Average, $12,000.)

"RED HEAD" (Bregstein)
FILMARTE—(890), 40c-50c, 6th week, 7 days. **Gross:** $1,350. (Average, $2,650.)

"STRANGER'S RETURN" (M-G-M)
CRITERION—(1,610), 25c-40c, 7 days. Stage show. **Gross:** $2,950. (Average, $2,800.

"SWEETHEART OF SIGMA CHI" (Monogram)
LOS ANGELES—(3,000), 15c-25c, 7 days. Stage show. **Gross:** $4,100. (Average, $3,700.)

"SECRETS OF THE BLUE ROOM" (Univ.)

"THE LAST TRAIL" (Fox)
ORPHEUM THEATRE—(2,200), 25c-35c, 7 days. Ten acts vaudeville. **Gross:** $4,300. (Average, $4,250.)

"THE BOWERY" (20th Century)
UNITED ARTISTS—(2,100), 25c-40c, 2nd week, 7 days. Sid Grauman prologue. **Gross:** $16,000.

Tries "Symphony Week"

Cincinnati, Nov. 3.—Joe Goetz, manager of the RKO Paramount, is experimenting with a "Silly Symphony Week," during which he is showing at least one of the outstanding cartoons on each program. If the idea makes a hit with the public, there is a possibility that it may be continued.

New M-G-M Series

Hollywood, Nov. 3.—The latest Pete Smith series for M-G-M will cram newsreel, short subject, cartoon and feature all into one reel and will be titled "Goofy Movies," with explanatory remarks by Smith. The first will feature Ruth Selwyn. Jules White will direct.

U. A. Exchange Hires 4

United Artists local exchange is doing its part for the NRA, having added four employes within the last two weeks. Hired were two stenographers, one bookkeeper and a girl in the contract department.

A New Low

Hollywood, Oct. 27.—The usual multiple-figured overhead in studio wardrobe departments hit a new low with the announcement by Fox that Wynne Gibson's wearing apparel in "Sleepers East," amounted to only $27.50. The title of the film would indicate that the abbreviated sum might represent a night gown.

Mid-West Daily Now Kinder to Pictures

Kansas City, Nov. 3.—A better break for first-runs and further recognition of the wide reader interest in matters celluloid is being given in the Sunday edition of the *Kansas City Star,* one of the most conservative newspapers in the country, which has shifted films to the front page of a section formerly occupied by finance and real estate. Reviews and motion picture features, formerly on an inside page, now appear on page one. Other amusement news and theatre ads, now filling the second page of the section, likewise are in a better position.

Teachers Ask More Children Pictures

Springfield, Nov. 3.—The Massachusetts Parent-Teacher Ass'n has voted to conduct a campaign to secure pictures of special interest to children and to have exhibitors label such pictures as well as those not suited for children when advertising their programs. Mrs. Paul Kelsey of Brookline was chosen president.

A. S. C. Active in South

Tampa, Nov. 3.—The American Society of Composers, Authors and Publishers seem to be on the job all the time in this section. Suit has now been entered against WMBR, a small radio station operated by F. J. and Irene Reynolds, charging copyright violation, and asking for damages of "not less than $1,250." The Reynolds, in their answer, claim that the society maintains a conspiracy in restraint of trade.

Buffalo Holdover, "Bowery," $7,800

Buffalo, Nov. 3.—"The Bowery" demonstrated its staying powers in a second week here with a take of $7,800 at the Hippodrome, above normal by $1,800.

Business was generally good. "Night Flight" reached $16,200, $1,200 up, at the Buffalo, helped by a stage show. "Turn Back the Clock," with a vaudeville bill, went to $11,100 at the Great Lakes, and "S. O. S. Iceberg" was strong at $7,000 in the Lafayette.

Total first run business was $48,000. Normal is $43,500.

Estimated takings for the week ending Oct. 27:

"NIGHT FLIGHT" (M-G-M)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Barto & Mann, 12 Aristocrats, Bill Aronson, Sunny O'Dea, John Uppman. **Gross:** $16,200. (Average, $15,000.)

"I LOVED A WOMAN" (F. N.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,900. (Average, $6,000.)

"TURN BACK THE CLOCK" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 7 days. Stage: Harry Rose, Barnardo De Pace with Celine Lescar, Tracey & Hay with Irving Rose, Bud Carlell & Rosa, Joe Morris & Co., Four Franks, Kenneth Terrell & Jimmie Fawcett, Denmati Troupe. **Gross:** $11,100. (Average, $10,000.)

"THE BOWERY" (20th Century)
HIPPODROME—(2,100), 25c-40c, 7 days, 2nd week. **Gross:** $7,800. (Average, $6,000.)

"S. O. S. ICEBERG" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,000. (Average, $6,500.)

U. A. Has 60 Prints Out on "Three Pigs"

With 60 prints of "Three Little Pigs" at his disposal for local theatres, Moe Streiner, U. A. new branch manager, states that he is booked solid for the next few months on the Walt Disney subject.

Repeat runs are coming in so fast that the home office is unable to make an accurate check on the total number up to date. In one instance, it is claimed an exhibitor played the short 20 times and no repeat run theatre has shown it less than three times. The Trans-Lux in New York has shown it eight weeks and the Old Roxy seven.

The entire RKO and Loew circuits are now playing the subject for a second time. RKO is following subsequent runs and Loew is following RKO.

"Angel" Tops Denver Marks With $16,000

Denver, Nov. 3.—At least two records were broken in Denver recently. Three first run houses had holdouts on both Saturday and Sunday, and "I'm No Angel" easily smashed the house record, both for the week and every day, at the Denham. The gross of $16,000 was $10,500 over average. The film was held a second week.

Demand for reserved seats at the first midnight premiere of "Angel" forced Louis Hellborn, the manager, to give another. The house opened two hours earlier than usual all week and on several nights was forced to run another complete show, with the vaudeville included on these extensions. Several days saw holdouts from noon till 11 P. M.

"Saturday's Millions" played to steady strong business most of the week, with standouts Saturday and Sunday, while "Emperor Jones," evidently made to order for the Aladdin clientele, did a big business, with several holdouts.

"Meet the Baron" surprised theatre men here, doing only average at the Denver.

Total first run business was $45,000. Average is $30,000.

Estimated takings for the week ending Oct. 26:

"EMPEROR JONES" (U. A.)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $5,000. (Average, $3,000.)

"I'M NO ANGEL" (Para.)
DENHAM—(1,500), 25c-30c-40c, 7 days. Stage show. **Gross:** $16,000. (Average, $5,500.)

"MEET THE BARON" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"SATURDAY'S MILLIONS" (Univ.)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show with Fred Schmitt's orchestra. **Gross:** $12,500. (Average, $8,500.)

"WALLS OF GOLD" (Fox)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,250. (Average, $2,250.)

"RACE TRACK" (World Wide)
TABOR—(2,000), 20c-25c, 7 days. Stage show. **Gross:** $3,200. (Average, $3,200.)

General Theatres Up For Hearing Nov. 17

Wilmington, Nov. 3.—Creditors of General Theatres Equipment, Inc., have been ordered by Chancery Court to appear Nov. 17 and show cause, if any they have, why U. S. Senator Daniel O. Hastings of Wilmington, receiver for the corporation, should not be authorized to agree to a proposed settlement of controversies between himself, as receiver, and William E. Atkinson and John S. Sherman, receivers of Fox Theatres Corp. and others. Chancellor Josiah O. Wolcott set the date.

Senator Hastings' petition states that settlement of the controversies would be highly advantageous to the corporation for which he is receiver both on its own merits and because of the prompt settlement of the controversies involved is also necessary before a reorganization of General Theatres can be brought about.

The proposed settlement provides, among other things, that General Theatres will transfer and deliver to Fox Film Corp. stock in Fox Movietonews, Inc., formerly Fox-Hearst Corp. which General Theatres now holds, having received it from Fox theatres in 1931.

There's No Set Routine

Booking of "The Private Life of Henry VIII" into RKO houses ahead of Loew's in New York and a number of other situations throughout the country is the first arrangement of its kind in some time.

Although Loew's holds a franchise with United Artists for pictures from all producers of the latter company, no franchise arrangement held on this English picture, produced by Alexander Korda.

When Loew's was offered the picture, United Artists was told the circuit would not book it until the film was shown in several spots to ascertain its box-office value.

The film then was offered to the Music Hall. First inclination was to reject it. Then came acceptance and a $103,000 week, including tax.

Principally as a direct result of the Radio City engagement, Loew's has determined to follow RKO in New York with time in "B" and "C" houses, but will date it first run in a number of out-of-town theatres not already booked by RKO.

Korda is scheduled to produce two to three more pictures in England which in all probability will be sold on the same plan as "The Private Life of Henry the VIII."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 108 NEW YORK, MONDAY, NOVEMBER 6, 1933 TEN CENTS

Code Details to White House Early This Week

Loew-Poli Thought Near An Agreement

Three-Year Plan Awaits Court Sanction

NEW HAVEN, Nov. 5.—With reorganization plans for Poli-New England scheduled to be approved by the court this week, the 18 theatres in New England are expected to be turned over shortly to a new operating company, believed to be Loew's, under a three-year management deal. S. Z. Poli, who recently reacquired his circuit, is understood to be negotiating the management agreement which is provided for in the reorganization set-up.

According to the plans, no agreements or contracts can be made for more than one year at a time by the

(Continued on page 3)

Lull Delays Deals On Saenger Houses

A lull in negotiations for reorganization of the Saenger circuit has developed between E. V. Richards, operator, and S. A. Lynch, Publix theatre reorganization head. Lynch has made at least one trip to New Orleans to discuss one plan of reorganization with Richards, and the latter has been here on two occasions with alternate proposals. Neither has accepted the other's overtures to date. A period of silence which followed Richards' last proposal has lengthened into weeks now and may have to be forcibly broken in the near future.

Closings Abroad Up In Conference Here

Foreign managers of all companies will meet at the Hays office this week to discuss probable closing of branch offices in Denmark and Czechoslovakia. Date of the meeting has not been definitely scheduled, but may be held either today or Wednesday.

New quota restrictions in Czecho-

(Continued on page 3)

East Vs. West

Milwaukee, Nov. 5.—Attempting to crash in on the current curvacious rage, the Gayety, local burlesque house, matched local run of "I'm No Angel" and Mae West with Mae East—a fan dancer.

Johnson on Rosenblatt

WASHINGTON, Nov. 5.—Administrator Hugh S. Johnson's statement follows:

"(1) Upon receipt of the code of fair competition for the motion picture industry from the deputy administrator I was advised by a certain group of exhibitors that they desired a hearing and an investigation in respect of the conduct of the deputy administrator in the formulation of said code, and in respect of the provisions thereof.

"(2) I personally heard this group and referred the whole matter to W. R. Lea, assistant administrator for industry, who accorded the requested hearing and carefully investigated the representation of this group.

"(3) I have received Mr. Lea's report and discussed it at length with him and I find that the charges made against the deputy administrator are wholly without foundation, and that the complaints made with respect to the code are based principally upon fear and suspicion that just decisions may not be made by the administrative boards set up in the code, and, further, that others of the complaints could not be taken care of in the code without the invasion of legal rights.

"(4) This code, as stated in the report of the deputy administrator, will require most careful supervision and such supervision the administrator proposes to exercise over all of its operations at all times."

Right to Buy In the Code, Says O'Reilly

Although there is no clause in the third draft of the proposed industry code on the right to buy, Charles L. O'Reilly, president of the T.O.C.C., a persistent advocate of the issue, declared on Saturday he believed the much-discussed issue is met by an interpretation which he places on Part 2, Section 5, dealing with grievance boards. That section provides:

"Each Distributor shall have the right to license all or any number of the motion pictures distributed by such Distributor for exhibition at theatres affiliated with such Distributor, and no Local Grievance Board shall have

(Continued on page 3)

Expect More Delay In Anti-Trust Suit

Trial of the anti-trust suit brought by the Department of Justice against Warners, as a result of the acquisition of First National, scheduled for

(Continued on page 3)

Federation to Await Actual Code Working

The Federation of the M. P. Industry is not pressing an active campaign of opposition to the code, leading members of the organization said Saturday.

Jacob Schechter, counsel for the organization, has made a request for a conference with Colonel W. Robert Lea, executive assistant to Administrator Hugh S. Johnson, but has been prevented from fulfilling an engagement by legal affairs which have kept him in Kentucky and Indiana a greater part of the time recently.

No disposition to press opposition to the code was evidenced among Fed-

(Continued on page 3)

Receivership Aimed At Sennett Halted

HOLLYWOOD, Nov. 5.—U. S. District Judge James has granted a temporary injunction halting further action at this time in the effort to have a receiver in equity appointed for Mack

(Continued on page 3)

Salary Penalty Clause Vexatious—Johnson Clears Deputy

WASHINGTON, Nov. 5.—Details of the film code will be discussed by President Roosevelt early this week with Deputy Administrator Sol A. Rosenblatt and Administrator Hugh S. Johnson's executive assistant, Colonel W. Robert Lea.

It is expected that on Monday or Tuesday the two Recovery Administration officials will go to the White House to lay before the President a full report of the negotiations which led up to the code as it now stands.

This step was decided upon Saturday by Johnson, following a conference with Rosenblatt. So far as can be learned, the code as it goes to the White House this week will be word for word that submitted to Johnson on Oct. 29.

Full exoneration of Rosenblatt of all charges against his handling of the code was issued Saturday by Johnson in a formal statement.

Complaints made by independent exhibitors against the code, the administrator declared, "are based principally upon fear and suspicion that

(Continued on page 3)

Myers Denies Being Told Code Settled

Abram F. Myers, Allied States general counsel, told MOTION PICTURE DAILY by telephone from Washington Saturday that "Colonel W. Robert Lea did not tell me that no changes

(Continued on page 3)

Allied Organizing New Illinois Unit

CHICAGO, Nov. 5.—Allied Theatres of Illinois has authorized formation of a sub-unit of the organization among down-state exhibitors. E. E. Alger,

(Continued on page 3)

The NRA?

The Capitol currently is presenting not one, but 23 fan dancers at one and the same time.

NRA stuff?

The dancing numbers are peppy, tuneful—with BIG NEW MUSICAL IDEAS!

MAX BAER

THE SCREEN'S NEW "IT" MAN!

BOX-OFFICE MEASUREMENTS!

"Max Baer destined to go places on the screen." —M. P. HERALD

"Just as Mae West flamed across the screen, so looms the new personality, Max Baer." —M. P. DAILY

"Baer a surprise. Wins an easy decision!" —HOLLYWOOD REPORTER

"A body that will set the femme fans on edge." —COAST VARIETY

SHOWMEN!

"PRIZEFIGHTER AND THE LADY" has been previewed East and West. It comes to your screen with more sensational advance attention than any picture in years. Thousands of Exhibitors have contracted for it already and therefore the sole purpose of this advertisement is to urge you to GET BEHIND IT! M-G-M has prepared a SPECTACULAR brand of Showmanship for a SPECTACULAR picture! *Joyfully presented by*

M-G-M

10th Championship Year Hit!

NOW *it's* A THRILL *for the* LADIES!

Okay, boys, *you* got an eyeful of MAE WEST—and now it's the ladies' turn to get excited

MEET MAX BAER!

The New "IT" MAN of the Screen!

Such a film treat comes once in a blue moon! Exciting from start to finish! Because it's got a love story that you'll love! Because it's got the first ring battle between Primo Carnera and Max Baer! Because it's *so* romantic!

WHEN HE CRUSHES HER IN HIS ARMS—

every soul in the audience will feel the thrill of it!

The Most Exciting Film of Today!

THE PRIZEFIGHTER AND THE LADY

with a Cast of World Famed Celebrities!

★ MYRNA LOY
★ MAX BAER
★ PRIMO CARNERA
★ JACK DEMPSEY

WALTER HUSTON—OTTO KRUGER

A W. S. VAN DYKE PRODUCTION

Associate Producer: Hunt Stromberg. Screen Play by John Lee Mahin and John Meehan. From the Story by Frances Marion

A METRO-GOLDWYN-MAYER HIT!

Size — 230 lines x 2 Columns

"SET TO

Chester
MORRIS in KING FOR A NIGHT

DO GOOD BUSINESS"

—Says Daily Variety

"Powerful scenes and emotional wallops, with sincere direction and good performances," says Daily Variety . . . "SET TO DO GOOD BUSINESS GENERALLY, WITH SPECIAL APPEAL TO THE FAMILY TRADE."

With Alice White, John Miljan, George E. Stone, Grant Mitchell, George Meeker, Warren Hymer. Directed by Kurt Neumann. Produced by Carl Laemmle, Jr. Story by William Anthony McGuire. Presented by Carl Laemmle. Another winner from

UNIVERSAL

with Helen

TWELVETREES

You've never seen THIS HEPBURN!

ELECTRIC
in "Morning Glory"

•

DYNAMIC
in "A Bill of Divorcement"

•

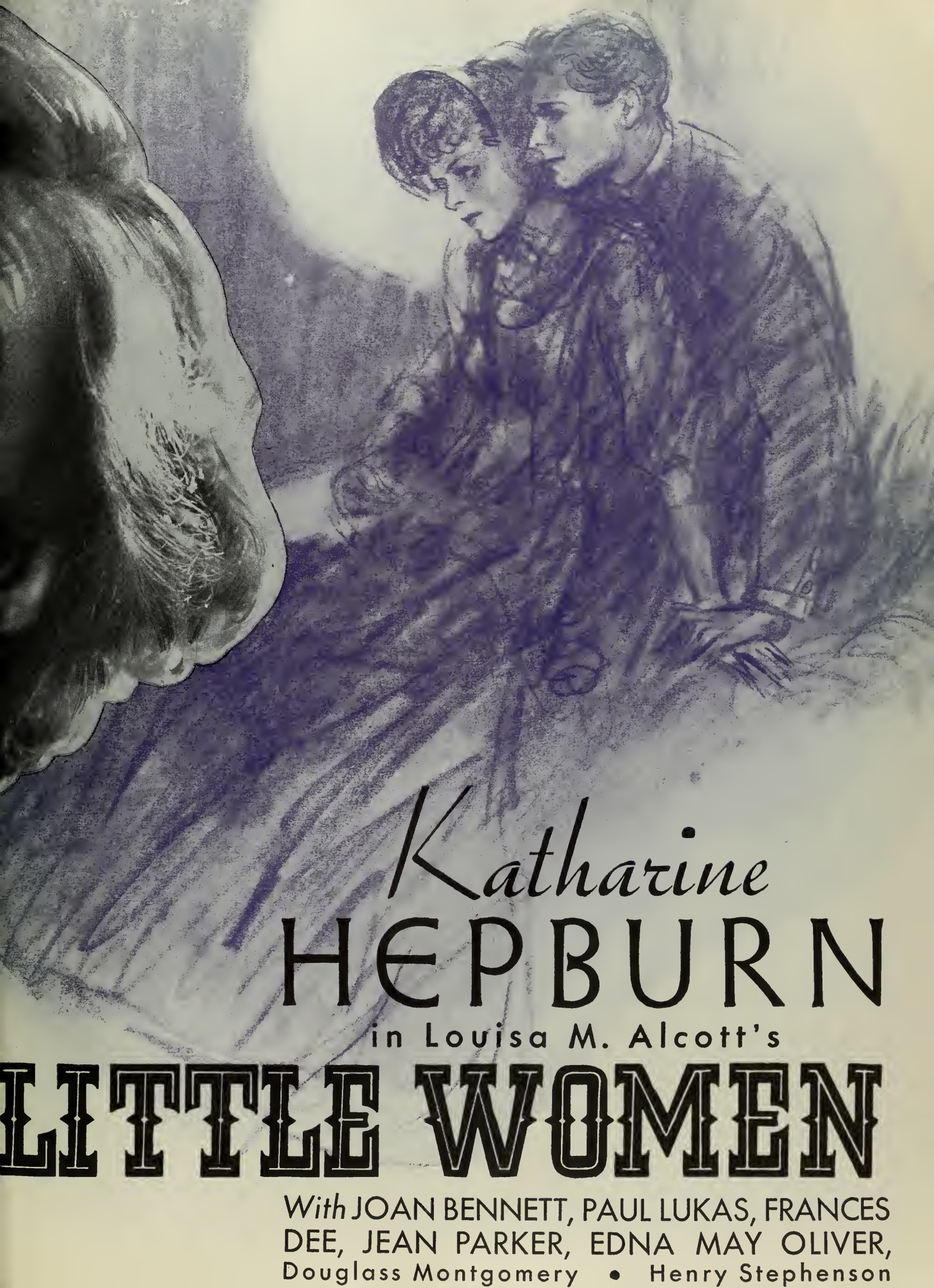
. . . and now, the
VERY SOUL OF ROMANCE
in America's best-loved love story that brings a new enchantment of sheer loveliness to glorify the screen!

•

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

Directed by George Cukor . . . MERIAN C. COOPER, Executive Producer . . . Kenneth Macgowan, Associate Producer



Katharine
HEPBURN
in Louisa M. Alcott's
LITTLE WOMEN

With JOAN BENNETT, PAUL LUKAS, FRANCES DEE, JEAN PARKER, EDNA MAY OLIVER,
Douglass Montgomery • Henry Stephenson

Guinan Pulls $14,000 Take Into Seattle

SEATTLE, Nov. 5.—Texas Guinan and her "Century of Whoopee" revue on the stage and "Ladies Must Love" on the screen at the Roxy left all competition in the background. At slightly advanced prices, the take was about $14,000, or more than double the average of $6,500. "The Bowery" at the Blue Mouse continued to play to good business in its second week, and was held over as a result. At the Fifth Avenue, "Too Much Harmony" was good for an average $7,000.

"Berkeley Square" at the Paramount played for nine days for a take about $1,000 over the average. The Metropolitan, in its first week as a first run with stage presentations, failed to register big business, with "Farewell to Love" as the screen feature.

Total first run business was $50,000. Average is $42,000.

Estimated takings for the week ending Oct. 28:

"THE BOWERY" (U. A.)
BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $4,500. (Average, first week, $4,000.)

"TOO MUCH HARMONY" (Para.)
FIFTH AVENUE—(2,450), 25c-35c-40c-55c, 7 days. **Gross:** $7,000. ($7,000.)

"THE CONSTANT WOMAN" (W. W.)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,750. (Average, $4,000.)

"FAREWELL TO LOVE" (State Rights)
METROPOLITAN—(1,300), 20c-30c-40c, 7 days. Mischa Guterson and orchestra. Stage prologue. **Gross:** $3,500.

"BROADWAY THROUGH A KEYHOLE" (U. A.)
MUSIC BOX—(950), 25c-35c-40c-55c, 7 days. **Gross:** $3,750. (Average, $4,000.)

"THREE CORNERED MOON" (Para.)
ORPHEUM—(2,500), 25c-35c-40c-55c, 7 days. Vaudeville headed by Will Aubrey. **Gross:** $6,500. (Average, $7,000.)

"BERKELEY SQUARE" (Fox)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 9 days. **Gross:** $7,000. (Average, 7 days, $6,000.)

"LADIES MUST LOVE" (Univ.)
ROXY—(2,275), 25c-35c-50c-75c, 7 days. Texas Guinan and "Century of Whoopee" Revue on stage. **Gross:** $14,000. (Average, $6,500.)

Gehring Made Cincy Variety Club Head

CINCINNATI, Nov. 5.—William C. ("Bill") Gehring, Fox manager, was recently elected president of the Variety Club of Cincinnati, organized three weeks ago as Chapter No. 4.

Other officers are: Marc Wolf, manager Paramount, Hamilton, first vice-president; Manny Shure, manager RKO Palace, Cincinnati, second vice-president; Joe Kolling, *Variety* representative, secretary, and Abe Lipp, RKO attorney, treasurer.

Directors: Ike Libson, Stanley C. Jacques, Maurice White and Ed. Mayer.

Seattle Union Row Ends

SEATTLE, Nov. 5.—Jensen & Von Herberg have just settled their differences with the unions. Union operators, stagehands and musicians are now employed in the Roxy, Liberty, Venetian, Bagdad and Ballard Roxy in this city, and the Roxy in Tacoma.

Credit for bringing the theatre heads together with the unions is being given to Texas Guinan, whose "Century of Whoopee" revue appeared at the Roxy here. It is said she would not appear unless the house was unionized.

Stage Shows Aid Takes in Twin Cities

MINNEAPOLIS, Nov. 5. — Stage shows boosted "Solitaire Man" and "Ace of Aces" to leading box-office receipts in Minneapolis.

In St. Paul "Penthouse" and "The Power and the Glory" divided gross honors.

The five theatres in each city totaled $1,000 above the averages, grossing $18,200 in Minneapolis and $16,000 in St. Paul.

Estimated takings:

Minneapolis:
Week Ending Oct. 26:

"THE POWER AND THE GLORY" (Fox)
CENTURY—(1,640), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

"GOLDEN HARVEST" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

Week Ending Oct. 27:

"ACE OF ACES" (Radio)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. Stage: "Strike Me Pink." **Gross:** $6,000. (Average, $5,500.)

"THE SOLITAIRE MAN" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. Stage: "Crazy Quilt." **Gross:** $6,000. (Average, $5,500.)

"F. P. I." (Fox)
WORLD—(400), 25c-75c, 7 days. **Gross:** $1,200. (Average, $1,200.)

St. Paul:
Week Ending Oct. 26:

"PENTHOUSE" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)

"THE POWER AND THE GLORY" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)

"ACE OF ACES" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"LOVE, HONOR AND OH, BABY" (Univ.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900.

"THE MIND READER" (F. N.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $600. (Average, $1,500.)

"THE GOOD COMPANIONS" (Fox)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $1,000.

"Chan" Fair Draw, $2,000, Portland

PORTLAND, Nov. 5.—"Charlie Chan's Greatest Chance" was the only attraction in town last week to make any noise at the box-office, and that was only a murmur. The take of $2,000 was $200 over normal.

"Flaming Gold," "Bombshell" and "Broadway Thru a Keyhole" were just normal draws.

Total first run business was $19,300. Average is $19,600.

Estimated takings for the week ending Oct. 28:

"ANN VICKERS" (Radio)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $2,900. (Average, $3,000.)

"FLAMING GOLD" (Radio)
HAMRICK'S ORIENTAL — (2,040), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,000.)

"BOMBSHELL" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000.)

"CHARLIE CHAN'S GREATEST CASE" (Fox)
LIBERTY—(1,800), 25c-35c-40c-, 7 days. Vaudeville. **Gross:** $2,000. (Average, $1,800.)

"THE 13th GUEST"
HAMRICK'S PLAYHOUSE—(1,600), 25c-35c-40c, Jess Stafford and Paramount Recording Band. **Gross** $1,400. (Average, $1,800.)

Versatile

Buffalo, Nov. 5.—A. Charles Hayman, operator of the Lafayette, has been in the picture business since 1900—long before it was an industry. Hayman has been cameraman, director, actor, projectionist, exchange operator and exhibitor. His reminiscences of the early days are varied.

"Angel" Sets Frisco Record With $40,000

SAN FRANCISCO, Nov. 5.—They stood in line for Mae West here all last week—morning, matinee and even all night on Saturday. As a result, "I'm No Angel" grossed a very fancy $40,000 at the Paramount, smashing the all-time house record held by "The Champ," which had registered $36,500. It goes another week, with another all-night Saturday show already played. The picture may be moved into the Embassy, another Market street house, for a third stanza.

"Night Flight" at the Warfield did exceedingly well with $23,000, $4,000 over average, while the United Artists held up in its third week of "The Bowery" at $12,000.

Total first run business was $127,500. Average is $104,000.

Estimated takings:

Week Ending Oct. 24:

"ANN VICKERS" (Radio)
GOLDEN GATE—(2,800), 25c-35c-45c-65c, 7 days. Stage, vaudeville. **Gross:** $10,500. (Average, $13,000.)

Week Ending Oct. 26:

"MOONLIGHT AND PRETZELS" (Univ.)
EL CAPITAN—(2,900), 10c-35c-40c, 7 days. Stage, band. **Gross:** $8,000. (Average, $9,000.)

"BOMBSHELL" (M-G-M)
EMBASSY—(1,380), 30c-40c-50c, 7 days. **Gross:** $4,500. (Average, $8,000.)

"DELUGE" (Radio)
ORPHEUM—(3,000), 15c-35c-40c, 7 days. Rube Wolf band, girls, stage. **Gross:** $10,000. (Average, $10,000.)

"NIGHT FLIGHT" (M-G-M)
WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage, band. **Gross:** $23,000. (Average, $19,000.)

"DANCE, GIRL, DANCE" (Chesterfield)
FOX—(4,600), 10c-15c-25c-35c, 6 days. Stage, Fio-Rito band. **Gross:** $7,000. (Average, $9,000.)

Week Ending Oct. 27:

"EMPEROR JONES" (U.A.)
COLUMBIA—(1,200), 50c-75c-$1.50. Two-a-day. **Gross:** $7,000. (Average, $7,000.)

"I'M NO ANGEL" (Para.)
PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days. **Gross:** $40,000. (Average, $15,000.)

"SOLITAIRE MAN" (M-G-M)
"TILLIE AND GUS" (Para.)
ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $5,500. (Average, $6,000.)

"THE BOWERY" (U.A.)
UNITED ARTISTS—(2,700), 25c-40c-50c, 7 days. **Gross:** $12,000. (Average, $8,000.)

Dix on Last for Radio

HOLLYWOOD, Nov. 5.—Richard Dix's last picture under his present contract with Radio will be Damon Runyan's original, "All Scarlet," a race track story.

Mississippi Taxes Rise

JACKSON, Miss., Nov. 5.—Theatrical admission tax returns are keeping step with the sales climb, the totals show, hitting $20,568, compared to $13,946 a month ago.

"Angel" Gets $12,300 4th Detroit Week

DETROIT, Nov. 5.—"I'm No Angel" closed its fourth week here with a take of $12,300, still above the normal take at the State by $300.

"After Tonight" was up to $11,400 at the RKO Downtown, "Walls of Gold" reached $15,200 at the Fox. "Broadway Thru a Keyhole" took $9,100 at the United Artists. Average for this house is $12,000.

Total first run business was $74,400. Average is $77,000.

Estimated takings for the week ending Nov. 2:

"AFTER TONIGHT" (Radio)
DOWNTOWN—(2,750), 25c-50c, 7 days. Stage: Duncan Sisters. **Gross:** $11,400. (Average, $10,000.)

"BOMBSHELL" (M-G-M)
FISHER—(2,975), 25c-40c, 7 days. Played the Michigan previous week. **Gross:** $8,300. (Average, $10,000.)

"WALLS OF GOLD" (Fox)
FOX—(5,100), 25c-50c, 7 days. Stage: Lillian Roth, Georgie Price, Bill Aaronson. **Gross:** $15,200. (Average, $15,000.)

"NIGHT FLIGHT" (M-G-M)
MICHIGAN—(4,100), 25c-50c, 7 days. Stage: Barto & Mann, Sue Hastings Marionettes. **Gross:** $18,100. (Average, $20,000.)

"BROADWAY THRU A KEYHOLE" (20th Century)
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $9,100. (Average, $12,000.)

"I'M NO ANGEL" (Para.)
STATE—(3,000), 25c-50c, 7 days, 4th week. **Gross:** $12,300. (Average, $12,000.)

"Weakness" $9,000 Draw in Des Moines

DES MOINES, Nov. 5.—Des Moines grosses continued to grow in the last week, hitting an all-time depression high of $32,000 for the five first runs, due to unusually good pictures and a stage show.

The Paramount set itself a record for recent years with a $9,000 take on "My Weakness" and Jay C. Flippen and his "World's Fair Follies," which included a fan dance by Elinor Ames. The Des Moines wasn't far behind with $8,500 on "The Bowery."

"I'm No Angel," moved from the Des Moines to the Strand, continued to draw on its holdover, taking $5,000 for its second week. "Tugboat Annie," called back to the Garden, took $4,000. The Orpheum did $1,000 better than average on the twin bill, "Obey the Law" and "Aggie Appleby." Maker of Men."

Total first run business was $32,000. Average is $24,500.

Estimated takings for the week ending Oct. 29:

"MY WEAKNESS" (Fox)
Paramount—(2,300), 10c-35c-50c, 7 days. Stage: Jay C. Flippen's "World's Fair Follies." **Gross:** $9,000. (Average, $7,000.)

"THE BOWERY" (U. A.)
DES MOINES — (2,200) 10c-35c-50c, 7 days. **Gross:** $8,500. (Average, $6,000.)

"OBEY THE LAW" (Col.)
"AGGIE APPLEBY" (Radio)
ORPHEUM—(2,200), 10c-25c-35c, 7 days. **Gross:** $5,500. (Average, $4,500.)

"I'M NO ANGEL" (Para.)
STRAND—(1,900), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $3,500.)

"TUGBOAT ANNIE" (M-G-M)
GARDEN—(1,300), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $3,000.)

Switch Harding Title

HOLLYWOOD, Nov. 5.—Final title of the Radio picture, "Beautiful," which features Ann Harding, will be "Right to Romance."

"Bombshell," At $50,000, Chicago Top

CHICAGO, Nov. 5.—"Bombshell" was something short of a big bertha at the Chicago last week, but it made quite a noise at the Chicago with a $50,000 take, $15,400 over normal. The Mills Brothers headed the stage show.

"I'm No Angel" was a strong third week draw at the Oriental, going $7,000 over average for a $30,000 take. "Ace of Aces" was good for $25,500 at the Palace.

Total first run business was $141,300. Average is $120,600.

Estimated takings:

Week Ending Oct. 21:

"I'M NO ANGEL" (Para.)

ORIENTAL—(3,940), 30c-40c-60c, 3rd week, 7 days. **Gross:** $30,000. (Average, $23,000.)

"THE BOWERY" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $15,000. (Average, $17,000.)

Week Ending Oct. 26:

"BOMBSHELL" (M-G-M)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Mills Bros., Block & Sully and others. **Gross:** $50,000. (Average, $34,600.)

"ACE OF ACES" (Radio)

PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Phil Baker, Baby Rose-Marie, Harry & Frank Seaman, Bernice Stone. **Gross:** $25,500. (Average, $22,000.)

Week Ending Oct. 27:

"STAGE MOTHER" (M-G-M)

McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $11,000. (Average, $13,000.)

"SATURDAY'S MILLIONS" (Univ.)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $9,800. (Average, $11,000.)

"Angel" Piles Up $11,000, Oklahoma

OKLAHOMA CITY, Nov. 5.—The Criterion management dug up and dusted off the SRO sign for "I'm No Angel." The picture grossed $11,000, which is $6,000 above average, and the best business the Criterion has seen this year.

Even though the Mae West picture was stiff competition, the other houses held their grosses up to par. The Capitol took average money on "Tillie and Gus," doing $3,000. Hitting par, the Liberty got $3,000 on "Love, Honor and Oh, Baby" and "Walls of Gold." "Midshipman Jack" brought $600 to the suburban Victoria.

Total first run business was $17,600. Average is $11,700.

Estimated takings for the week ending Oct. 28:

"I'M NO ANGEL" (Para.)

CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $11,000. (Average, $5,000.)

"TILLIE AND GUS" (Para.)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,000. (Average, $3,000.)

"LOVE HONOR AND OH, BABY" (Univ.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,700. (Average week, $3,000.)

"WALLS OF GOLD" (Fox)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,300. (Average week, $3,000.)

"MIDSHIPMAN JACK" (Radio)

VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $600. (Average week, $1,200.)

Huffman, Marco Partner

DENVER, Nov. 5.—Marco Wolff of Fanchon & Marco is in partnership with three Denver men in the company that has the Orpheum under lease. Others in the Welton Theatres Corp. are Harry Huffman and John H. Tracy and Frazier Arnold, local attorneys.

His Art Problem Met

Manhattan, Kan., Nov. 5.—Exhibitor Sam Sosna had solved the problem of art robberies at his Varsity Theatre. It seems the young bucks at the Kansas State Agricultural College have a penchant for stills and other advertising of chorines in musical pictures which they use as decorations in fraternity houses.

Usually, Sosna gives the paper away when the run of the picture is ended. But when he played "42nd Street" the embryo agrarians failed to resist the temptation and cut displays out of Sosna's theatre front.

So Sosna rigged up a sort of Bugs Baer contraption whereby a siren sounds whenever anyone tampers with the displays. It went off early one morning, and the constabulary caught a culprit red-handed using a knife on the theatre's works of art. The student was freed after a fatherly lecture by the exhibitor.

K. C. Suburbans Get Union Demands Soon

KANSAS CITY, Nov. 5.—While not exactly anticipating trouble, Kansas City suburban theatres are preparing for new contract demands by the I.A.T.S.E. operators' local by starting to map a course of action. With current contracts expiring Nov. 30, negotiations with the union are expected to start soon, and the Independent Theatre Owners are planning a "war chest," to be used in event in a fight. The union granted one-man-in-a-booth operation several months ago.

Influence of labor provisions in the film code on the local situation was discussed at the last meeting of the I.T.O. Decision on this and other code matters has been deferred because of the present uncertain status of code provisions. A representative in Washington is keeping the local organization apprised of developments by long-distance telephone.

Start Eastman Memorial

ROCHESTER, Nov. 5.—Work has been begun on a memorial to George Eastman, founder and until his death in 1932 head of the Eastman Kodak Co. on the front lawn of Kodak Park here.

The memorial will be in the shape of a sunken garden, with a monument in the middle, in which Eastman's ashes will be placed. Carved allegorical figures on the memorial will represent aspiration and chemistry. New roads are being laid to and from the site for use of the public.

3 Secretaries Now Write

HOLLYWOOD, Nov. 5.—Paramount has promoted three studio secretaries to the writing staff. They are Eleanor McGeary, Josef von Sternberg's secretary, who has been assigned to write continuity for "Scarlet Pageant;" Mary Flannery, formerly in the employ of Marion Gering, is now working on the continuity for "The Thundering Herd;" Jane Storm, recently with Viola Brothers Shore, who is busy on the continuity for "Miss Fane's Baby Is Stolen."

Fischer Buys Fountain

CLEVELAND, Nov. 5.—Meyer Fischer and associates have purchased the Fountain, long closed, as the third link in their newly formed theatre circuit. RCA Photophone will be installed and the theatre will be renovated. Paul Appel has been appointed manager.

New Zealand Wants British Rejections

WELLINGTON (N. Z.), Nov. 5.—Exhibitors here sent a deputation to the Minister of Internal Affairs to point out that rejection rights covering British films are now just as necessary as they were presumed to be in respect to American films some years ago.

As far as the quantity of British films is concerned, it was said, quota devices have become superfluous because exhibitors are showing voluntarily more than they are required to show under the quota law. Rejection rights, however, are in the interests of quality, the deputation declared. It is suggested that the percentage of rejections should vary according to the censor's classification of films into "adult" and "universal" grades, and that a higher percentage should be given over "A" certified films than over "U." For the former, 30 per cent is asked, and for the latter 20 per cent.

To Study Medical Films

BALTIMORE, Nov. 5.—Herman G. Weinberg, managing director of the Little Theatre, has been commissioned by the International Review of Cinematography to make a survey of the film in medicine. The first of a series is called "X-Ray Cinematography."

The second of the series now in preparation is titled "The Film as a Factor in Medicine" and will deal with the distribution of propaganda to the layman concerning childbirth.

Abe Halle to Pittsburgh

PITTSBURGH, No. 5.—Abe Halle, former manager of the Winter Garden in New York, has been named manager of the Harris-Tarentum, where he succeeds Jack Williams, resigned. He took over his new duties this week.

Another Warner managerial appointment in the Pittsburgh zone is that of Frederick Thomas, late of the eastern circuit, to the Enright.

First. Div. Finishes 6

HOLLYWOOD, Nov. 5.—First Division has finished 6 of its Chesterfield, Invincible and Allied releases. They are: "One Year Later," "Dance, Girl, Dance," "I Have Lived," "By Appointment Only," "Picture Brides" and "Notorious But Nice."

Royster to Columbia

KANSAS CITY, Nov. 5.—L. E. Royster, Fox salesman in southwestern Kansas, has joined Columbia here to cover the same territory. Charles Knickerbocker succeeds Royster.

Seattle for Stage Shows, Gross Proves

SEATTLE, Nov. 5.—Capacity houses greeted the return of stage shows to a first run here, after more than six months without them, when the Orpheum theatre reopened. The house is operated by the Apex Orpheum Co., headed by Oscar S. Oldknow.

Harry D. McBride, former F.W.C. city manager in Spokane, is manager. Ernest Rose, formerly at the Fox in Spokane, is assistant. Advertising and publicity is being handled by Harold B. Shaffer. Matinees are 25 cents and evening scales of 40 cents prevail, with 10 acts of vaudeville and a first run featured.

NEW ORLEANS, Nov. 5.—Prospects for an early return of vaudeville here seem revote. Since the walkout of musicians and stage hands at the Orpheum and Loew's State these houses have depended entirely on film and have done fairly well. The Orpheum is using double bills, while Loew's State is filling out the program with newsreels and shorts.

The St. Charles operates twin bills about twice a month, while the Tudor, Globe and Saenger concentrate on high class first runs. The Liberty and Lyceum, subsequent runs, are showing duals at 15 cents top.

New Orleans is believed to be the only city in the country with a population over 450,000 in which there are no stage shows.

CLEVELAND, Nov. 5.—Keith's East 105th St., closed all summer, has reopened with a combination policy of vaudefilms the last half of the week and straight pictures the first half.

Davis, Pittsburgh, Shifted to 2nd Run

PITTSBURGH, Nov. 5. — Tightened up on product, due to their failure to get together on a deal with Fox this season, Warners are sending the Davis, 1,700-seat downtown house, to a second run policy. There will be one change weekly.

The first picture under the new policy will be Paramount's "Too Much Harmony," and as closely as possible the Davis will follow a day-and-date policy with the Enright in East Liberty. Two other Warner houses, the Warner Downtown and the Sheridan Square in East Liberty, are now playing product day-and-date, but under a first run policy.

Ban Rochester Free Beer

ROCHESTER, Nov. 5.—Free beer served in the lobby of Loew's Rochester as a publicity stunt for "The Bowery," was banned when James P. B. Duffy, member of the New York State Alcoholic Beverage Control Board, ordered the lobby bar removed.

Start Retakes on "Rio"

HOLLYWOOD, Nov. 5.—Radio's "Flying Down to Rio" has gone back for retakes and process shots, having been in the cutting room for a week.

West Opus Is Denver's Top In 2nd Week

DENVER, Nov. 5.—"I'm No Angel" continued to top the town, even in its second week, and stood them up on the last two days of the run. Consistent daily holdouts were the rule. The take was $13,000. The day and date engagement of "Broadway Thru a Keyhole" at the Aladdin and Denver turned in a nice gross at the former, but proved a disappointment at the latter, part of the reason being the dime difference in price. Pulled at both houses after six days.

"The Kennel Murder Case" did exceptionally well at the Orpheum. It was pulled after six days to give the house a regular Friday opening, instead of Saturday. "Love, Honor and Oh, Baby" boosted the Paramount over last week, but not much, the house still being below normal.

First run business was $36,000. Average is $27,500.

Estimated takings for the week ending Nov. 2:

"BROADWAY THRU A KEYHOLE" (U. A.)
ALADDIN—(1,500), 25c-40c-50c, 6 days. **Gross:** $3,500. (Average, $3,000.)

"I'M NO ANGEL" (Para.)
DENHAM—(1,500), 25c-30c-40c, 7 days. **Gross:** $13,000. (Average, $6,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
DENVER—(2,500), 25c-35c-50c, 6 days. **Gross:** $4,500. (Average, $6,000.)

"THE KENNEL MURDER CASE" (Warners)
ORPHEUM—(2,600), 25c-35c-40c, 6 days. Stage show. **Gross:** $11,000. (Average, $9,000.)

"LOVE, HONOR AND OH, BABY" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,500.)

New Color Cartoon Series Ready Soon

Celebrity Productions, headed by P. A. Powers, has a new series of musical cartoons in color, based on fairy tales and folk lore, which is to be released soon.

The series is called "ComiColor Cartoons." The first subject is "Jack and the Beanstalk." Others to follow are: "The Brave Tin Soldier," "Sinbad the Sailor," "Puss in Boots," "Cinderella," "The Three Bears," "Jack the Giant Killer," "Tom Thumb," "Aladdin," "Snow White," "Hansel and Gretel," "The Bremen Town Musicians," "The Little Red Hen," "The Snow Queen," "The Ugly Duckling," "The Golden Goose," "Dick Whittington's Cat" and "The Little Mermaid."

To Teach Pictures In Some States

WASHINGTON, Nov. 5.—Teaching of motion picture appreciation is to be undertaken in representative high schools in several states as a result of a conference between Dr. George F. Zook, U. S. Commissioner of Education, and representatives of a number of educational organizations and state departments of education.

The schools will use Dr. Edgar Dale's book, "How To Appreciate Motion Pictures," as a text in the planned experiment to educate boys and girls better in motion picture appreciation.

Revived Stage Show Piles Up Big K.C. Take

KANSAS CITY, Nov, 5.—With its first stage show following three weeks of straight film fare, the RKO Mainstreet experienced a rebound that sent the take to $21,000, triple the average for films only. The stage bill, titled "Midway Nights," was built from acts at the World's Fair and featured a fan dancer and a "Nudity in Gold" number. "Ace of Aces" was the screen attraction.

Mae West continued a potent draw in her second week at the Newman. Grossing $10,000 in eight days against an average $6,800, "I'm No Angel" was the top picture of the week. "Meet the Baron" fell $1,000 below par at the Midland, while "Saturday's Millions," on the Uptown's bill, grossed slightly better than normal.

Total first run business was $43,300. Average is $33,800.

Estimated takings:

Week Ending Oct. 26:
"I'M NO ANGEL" (Para.)
NEWMAN—(1,800), 25c-40c, 8 days, 2nd week, plus Saturday midnight show. **Gross:** $10,000. (Average for 8 days, $6,800.)

Week Ending Oct. 27:
"ACE OF ACES" (Radio)
MAINSTREET—(3,049), 25c-35c-50c, 8 days, plus Saturday midnight show. Stage: "Midway Nights" revue, featuring Rosalia and her fan dance, Streets of Paris, Mona Leslie's "Nudity in Gold." **Gross:** $21,000. (Average for combination show, 8 days, $14,000.)

"MEET THE BARON" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $9,000. (Average, $10,000.)

"SATURDAY'S MILLIONS" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,300. (Average, $3,000.)

Providence Dull; "Keyhole" Is Top

PROVIDENCE, Nov. 5.—Theatres here suffered a relapse last week for no apparent reason and even the widely-publicized "Broadway Thru a Keyhole" failed to do much business, pulling in only $10,500 at Loew's, more than $1,000 under par. Fay's hit an average $7,000 with "The Mad Game" and a good stage show, but the Paramount, Majestic and RKO Albee were away off in their intakes.

Total grosses for the week were $34,000. Average business is $43,500.

Estimated takings for the week ending Nov. 2:

"THE MAD GAME" (Fox)
FAY'S—(1,600), 15c-40c, 7 days. Stage: Dorothy Martin Company Revue. **Gross:** $7,000. (Average, $7,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage: Weaver Brothers and Hillbillies. **Gross:** $10,500. (Average, $12,000.)

"BUREAU OF MISSING PERSONS" (Warners)
"WORST WOMAN IN PARIS" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $5,500. (Average, $7,000.)

"TILLIE AND GUS" (Para.)
"A MAN OF SENTIMENT" (Chesterfield)
PARAMOUNT—(2,300), 15c-40c, 6 days. **Gross:** $4,000. (Average, $6,500.)

"AGGIE APPLEBY" (Radio)
"HER SPLENDID FOLLY" (Allied)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Lillian Shade and Revue. **Gross:** $6,000. (Average, $10,000.)

"MIDSHIPMAN JACK" (Radio)
"HER SPLENDID FOLLY" (Allied)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000.)

B'way Show-Window

ASTOR — "Dinner at Eight" (M-G-M)—reviewed Aug. 29.
CAMEO—"Eat 'Em Alive" (Auten)—reviewed today.
CAPITOL — "Day of Reckoning" (M-G-M)—reviewed today.
HOLLYWOOD—"The World Changes" (F.N.)—reviewed Oct. 26.
MAYFAIR—"Sweetheart of Sigma Chi" (Monogram)—opening Wednesday.
PALACE—"Berkeley Square" (Fox) discussed in *The Pay-Off* July 5.
PARAMOUNT — "I'm No Angel" (Para.)—reviewed Oct. 5.
RADIO CITY MUSIC HALL—"After Tonight" (Radio)—reviewed Oct. 26.
RIALTO—"Kennel Murder Case" (Warners)—reviewed Oct. 27.
RIVOLI—"Broadway Thru A Keyhole" (20th Century)—reviewed Nov. 2.
RKO ROXY — "Berkeley Square" (Fox)—starting Tuesday.
ROXY—"My Lips Betray" (Fox)—reviewed July 12.
STRAND — "Female" (F.N.)—reviewed Nov. 3.

Fox Signs 24 Girls To 7-Year Contracts

HOLLYWOOD, Nov. 5.—Fox has signed a group of 24 girls to seven-year contracts with options with a view to training them for featured roles. The girls will be trained under the direction of William Watson and will appear before the camera first as chorus girls in "Fox Movietone Follies" and "George White's Scandals."

The girls are Marbeth Wright, Georgia Spence, Kathryn Barnes, Zelda Webber, Patricia Farr, Anita Thompson, Lucille Miller, Dorothy Dearing, Shirley Aaronson, Bonnie Browning, Lee Bailey, Nadine Dore, Helen Lehigh, Iris Shunn, Geneva Sawyer, Lynn Bari, Patricia Lee, Marian Weldon, Edith Haskins, Ardell Unger, Esther Brodelet and Edna Callaghan.

Independents Fight Duals in St. Louis

ST. LOUIS, Nov. 5.—Independent operators are disturbed over the new policy of the F. & M. St. Louis and have protested to the national exhibitor organizations. Shift in the single feature to duals with a reduction in admissions at the St. Louis are bringing charges of unfair competition from the independents.

Exhibitors are understood to have threatened exchanges they will not play film booked into the St. Louis, or, if they are forced to live up to contracts, will ask substantial reductions in rentals. Independents plan to drop admissions to a new low in rebuttal.

S. & C. Adds Two

Springer & Cocalis has added two local theatres to the circuit, making a total of 38. Newest acquisitions are the uncompleted 600-seat house at 103rd St. and Columbus Ave. and the Mayfair, West New York, N. J. The Columbus Ave. house will open next month.

Fox Casts French Girl

HOLLYWOOD, Nov. 5.—After a year's search for an emotional actress Fox has picked Ketti Gallian, recently signed in France by Winfield Sheehan, for the leading role in "Marie Gallante."

Hollywood Personals

Hollywood, Nov. 5.

DOROTHY GRAY has been assigned the featured girl part in "As The Earth Turns," which Al Green is directing for Warners.

FREDERICK VOGEDING, MARC LOBELL and PERRY IVANS will warble Hungarian in "Seven Lives Were Changed" (Fox).

DOUGLAS SCOTT, member of the "Mickey McGuire" unit, has been loaned to M-G-M for "Overland Bus."

JAMES GLEASON and ROBERT ARMSTRONG will be reunited in "The Search For Beauty" (Paramount).

MARY BRIAN has been re-engaged by Columbia to play opposite Bruce Cabot in "The Criminal Within."

JOYZELLE, popular local dancer, will trip the light fantastic in "Girl Without a Room" (Rogers-Paramount).

RICHARD CROMWELL has been signed for a prominent role in "House of Connolly" (Columbia).

RICHARD QUINE, 13-year-old actor, has been engaged for "Counsellor at Law" (Universal).

HARRY WOODS goes into "Scarlet Pageant," featuring Marlene Dietrich (Paramount).

REGINALD OWEN has been signed for an important role in "Mandalay" (Warners).

JOE E. BROWN's next for First National will be "A Very Honorable Guy."

GENEVA MITCHELL and HALLIWELL HOBBS cast in "I Am Suzanne" (Fox).

BRUCE CABOT will have the juvenile lead in "The Criminal Within" (Fox).

GEORGIA CAINE, stage star, has joined the cast of "I Am Suzanne" (Fox).

S. S. VAN DINE's "The Dragon Murder Case" has been bought by Warners.

CAROL VINES and MARGARET NEARING go into "Roamin' Through the Roses" (Columbia).

WILLIAM FRAWLEY cast in "Miss Fane's Baby Is Stolen" (Paramount).

BOSWELL SISTERS added to the cast of "Moulin Rouge" (20th Century).

WALLACE CLARK has been ticketed for "Once Over Lightly" (Radio).

SUZANNE KAAREN's first picture will be "Sleepers East" (Fox).

UNA O'CONNOR will be featured in "Orient Express." (Fox.)

GLENDA FARRELL goes into "Heat Lightning" (Warners).

THERESE WITTLER grabs a part in "Trigger" (Radio).

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IATSE Using NRA Schedule In K. C. Area

Get Back 20% Wage Cuts Made Last Spring

KANSAS CITY, Nov. 7.—Without waiting for the industry code to go into effect, IATSE stage hands are carrying out code provisions by limiting the working week to 40 hours and spreading the work. This is in force at the reopened Shubert and will be instituted at film houses where stage hands are employed.

On the union's basis of a seven-hour day and 49-hour week, unemployed stage hands will thus benefit by at least nine hours' work weekly, according to Felix Snow, business agent and regional representative.

Downtown first runs have agreed to restore a 20 per cent cut taken by stage hands last spring, when salaries were sliced from $67.15 to $53.70 a

(*Continued on page 6*)

Midland and Loew Suit Is Postponed

KANSAS CITY, Nov. 7.—Trial of the Midland Investment Co. suit involving the partnership dispute between Kansas City stockholders and Loew's, Inc., was continued by Judge Ben Terte in Circuit Court Monday to Dec. 1 and 2. Attorneys for M. B. Shanberg, Herbert M. Woolf and F. H. Reis, the plaintiffs, sought to begin the hearing on a petition for a temporary receivership when Senator James A. Reed, Loew's local counsel,

(*Continued on page 6*)

Court Approval Is Given on Poli Deal

NEW HAVEN, Nov. 7.—Reorganization plans for Poli-New England have been approved by the U. S. District Court and it will be a matter of a few

(*Continued on page 6*)

Take Poli Nov. 15

New Haven, Nov. 7.—Reports here have Loew's taking over operation of the 18 Poli-New England theatres on Nov. 15. It is understood Loew's will pay $10,000 a week rent for the entire group.

Hold Soviet Recognition No Film Aid

Officials Say Soviet Set-Up Bars U. S. Type

WASHINGTON, Nov. 7. — Officials here see little probability that the Russian market for American films will be widened even should America resume relations with Russia as a result of impending conferences between President Roosevelt and Maxim Litvinov, Soviet Commissar of Foreign Affairs, who arrived in Washington today in the interests of Soviet recognition.

The officials pointed out that Russian foreign trade is a government monopoly and that Soviet imports have for years been limited to raw materials and machinery for Russian factories. In addition, it was said, the type of picture allowed Russian audiences is rigidly restricted by the government and the average American film would have little chance of passing the Soviet censorship.

Appeals Court to Get Publix Briefs

Two of the largest Paramount Publix creditors' protective committees sought leave on Monday and were authorized to file briefs in support of the Paramount trustees on Dec. 4 when U. S. Circuit Court of Appeals is scheduled to hear an action for the removal of the trustees, brought by

(*Continued on page 4*)

Friedman Declares No Rifts at M-G-M

Leopold Friedman, returning yesterday with Nicholas M. Schenck from a trip to the M-G-M studios in Culver City, branded reports concerning rifts between M-G-M and Walter

(*Continued on page 4*)

"Applesauce"—Roxy

"It's a lot of applesauce," is the way S. L. (Roxy) Rothafel termed reports Monday which had him resigning from his Music Hall post on Dec. 16.

Allied Sees "Safeguards" In the Code

WASHINGTON, Nov. 7.—Allied, in a bulletin to members, states the code, when approved, "will contain safeguards against the invasion of the legal rights of the exhibitors under existing laws and decrees."

The statement is a result of conferences with Gen. Hugh S. Johnson and Col. W. R. Lea, executive assistant to Johnson, and is signed by Abram F. Myers, Sidney E. Samuelson and Col. H. A. Cole.

"They furthermore believe," it goes

(*Continued on page 4*)

Sheehan Back With Titles Unchanged

HOLLYWOOD, Nov. 7.—Contrary to common report that Winfield Sheehan has returned to Fox as an associate producer, the latest official personnel list issued by the studio continues him at the head of the list in the capacity

(*Continued on page 4*)

Publix Will Retain Houses in Arizona

Trustees for Paramount Publix have turned down a deal made by F. & M. for the purchase of eight Publix-Rickards-Nace houses in Tuc-

(*Continued on page 4*)

Seat Slashing Follows Bad Films in Argentine

If the temperamental Latin theatregoers of Buenos Aires don't like a feature picture they show their displeasure not by leaving the theatre or demanding their money back, but by whipping out knives and making a jig-saw puzzle of seat upholstery and, by way of emphasis, tossing any removable fixture at any breakable object, preferably a mirror, while on their way out.

This behooves a distributor serving the Argentine to press the sale of only his better product, said Guy Morgan, United Artists representative in the

(*Continued on page 4*)

Further Halt In Code; Lea Seeking Data

Lacks Conviction Over "Certain Clauses"

WASHINGTON, Nov. 7.—The road of the code is a hard one. Apparently all set to go before the President early this week, tonight Col. W. R. Lea, acting administrator in the absence of Gen. Hugh S. Johnson, indicated nothing of the sort would happen until he was convinced of the soundness of a number of clauses, nature not divulged. It is understood there are many points on which he wants to assure himself.

It is entirely probable, therefore, that the code will remain in the Department of Commerce Building until the return of General Johnson to Washington in about 10 days. About that time the President is expected to be at Warm Springs, Ga., thereby making extremely remote the impression current earlier today that the code would become operative by Nov. 20.

Colonel Lea's attitude is quite a mystery. The impression has been definite that the code as seen by General Johnson prior to his departure

(*Continued on page 4*)

Schaefer Brands as Lies Cohen Reports

"Reports from whatever the source that Emanuel Cohen would be replaced as head of production at Paramount are malicious and a lie," declared George J. Schaefer yesterday.

HOLLYWOOD, Nov. 7.—Emanuel Cohen's return from New York has been

(*Continued on page 4*)

Warner Anti-Trust Suit Off to Dec. 4.

Trial of the Department of Justice anti-trust suit against Warners, scheduled for Monday, was postponed to Dec. 4, thereby strengthening indications that the government would not press trial of the suit in view of impending application of the film code

(*Continued on page 4*)

Strand, Milwaukee, Lifts Warner to 24

Further solidifying its circuit in Wisconsin, Warners have taken over the Strand, Milwaukee, making a total of 24 houses in the state with 21 now active. Dave Weshner, zone

(*Continued on page 4*)

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WE DO OUR PART

Catholic Bishops Ask Better Films

HOLLYWOOD, Nov. 7.—One hundred and twenty-six bishops, representing 102 Roman Catholic dioceses in America, convening in Washington on Nov. 15 and 16, propose to take steps to elevate the moral tone of the screen. Bishop Cantwell of the local diocese in a personal interview asserted 32,000,000 Catholics would heed the church's recommendation for purified films.

The prelate declared church heads are not seeking to run the business, but feel they have a certain obligation to perform in the community and assume the right to set up a system of checking immoral pictures. He added that but 50 immoral films out of a total yearly output of 500 would be sufficient to corrupt a community. The bishops, he said, want to prevent this, warning that producers determined to fight against a standard of good morals would suffer diminished business from those of Catholic faith.

Clark, Wobber Returning

John D. Clark, general sales manager for Fox, and Herman Wobber, who is in charge of the Kent Drive, return either tomorrow or Friday from a tour of Fox western exchanges.

Sam Morris Coming

Sam Morris, Warners' foreign manager, returns tomorrow on the *Rex* after a six weeks' inspection tour of the company's offices in London, Rome, Barcelona, Paris and Amsterdam.

Mantell to Argentine

O. B. Mantell, who has just resigned as supervisor for Columbia in Latin America, is en route to Argentina to produce a number of Spanish talkers on his own.

The Pay-Off

CLIPPED and pasted from the editorial columns of the powerful *Chicago Tribune*:

"Too many pictures are put forth with no sense of responsibility to the public. They are obviously the products of a low grade mentality and an even lower grade morality and they constitute a demoralizing influence wherever they are shown. We have no faith in official censorship, which, in this respect, as elsewhere, ignores the worst offenses and the most demoralizing tendencies, while harping on errors of less moment and easier correction. But certainly more attention should be directed to the general character and tendencies of many pictures which pervert logic and reality and spread false and demoralizing conceptions of life. When this phase of the popular film is given due attention a pressure of opinion may be expected which is the only effectual censorship."

This is the story, complete and well put. It is difficult to imagine that there will be any denials.

KANN

Elmer Pearson Joins Herman A. DeVry Co.

Elmer Pearson, for years vice-president and general manager of Pathe Exchange, Inc., has joined Herman A. DeVry, Inc., of Chicago as general manager.

New DeVry developments which will engage Pearson's immediate attention are a "straight feed" portable and a new camera, for double and single, as well as bi-pack recording.

RKO Men Traveling

HOLLYWOOD, Nov. 7.—Merian C. Cooper returns to the RKO plant this week for one day and then leaves for New York.

Pandro Berman, associate producer, is slated for an early European trip. This will leave B. B. Kahane in charge of production.

H. N. Swanson has signed a new long-term contract as an associate producer.

Meyer Gets 2 Features

Phil E. Meyer, president of General Pictures Exchange, has acquired "Hell on Earth" from Aeolian Pictures and "The Film Parade" from J. Stuart Blackton.

Texas Guinan Rites Are to Be Held Here

VANCOUVER, Nov. 7.—Texas Guinan's funeral is to be held at St. Malachy's Church, New York. Tommy Guinan, her brother, left here today en route to New York via Chicago. According to present plans, she will lie in state in both Chicago and New York.

Winchell on Way South

RICHMOND, Nov. 7.—Walter Winchell was in Richmond the other night, but he was not feeling chipper and, consequently, later shoved off to Florida "to get some sunshine, because my nerves have got me again."

Winchell said he would "travel around somewhere, either continuing in the car or taking an early train. I tried to stick it out in New York, but it was no go," he said.

"The column will be kept up, all right," he said. "The same fellow who wrote it the last time I went away will keep it up—Paul Yawitz."

"Invisible Man" to Roxy

Irving Lesser has booked "The Invisible Man," Universal picture, into the Old Roxy starting Nov. 17.

All Issues Show a Decline

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3	3	3	.....	200
Consolidated Film Industries, pfd	9⅜	9⅛	9⅛	— ⅜	500
Eastman Kodak	72½	72	72	— ½	800
Eastman Kodak, pfd	127¾	127¾	127¾	.....	1,000
Loew's, Inc.	28½	28⅛	28⅝	— ¼	500
Paramount, cts.	1¾	1¾	1¾	— ¼	200
Pathe Exchange	1¼	1¼	1¼	.....	100
Pathe Exchange "A"	8	8	8	— ⅝	100
RKO	2¼	2⅛	2⅛	— ⅜	500
Warner Bros.	6⅝	6⅜	6⅜	— ⅜	2,300

Trading Poor on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	5/16	5/16	5/16	— 1/16	2
Technicolor	11	10¾	11	— ¼	3
Trans Lux	1⅝	1⅝	1⅝	.....	2

Paramount Off 1½ as Bonds Slump

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¾	3¾	3¾	.....	1
General Theatre Equipment 6s '40, ctf	4	4	4	— ¼	1
Loew's 6s '41, ww deb rights	84	83¾	83¾	— ¼	9
Paramount Broadway 5½s '51	29½	29½	29½	.....	1
Paramount F. L. 6s '47	26¼	26¼	26¼	—1½	5
Paramount Publix 5½s '50	28	27¾	28	— ¼	2
Warner Bros. 6s '39	40¾	40	40¼	— ½	11

(Transactions are as of Nov. 6).

Purely Personal

FELIX FEIST makes no concession to age merely because he is now a grandfather by his daughter, MARJORIE FEIST NAST MYRON. The husband in the case is with FitzPatrick Pictures.

MILTON BERLE has been assigned the starring role in the second musical comedy to be made by Jack White. Shooting will begin at the Eastern Service studio in the Bronx Friday.

WILLIAM SHIFFRIN of the Leland Hayward office, is writing his second play, which has to do with booking agents. His first is making the rounds of producers' offices.

ROSE NATKINS has succeeded GERTRUDE SMITH in the handling of U. A. press books. MISS SMITH returned to her home in Ohio.

WILLIAM WATSON will direct the Educational short in which James Melton will appear at the Eastern Service Studio.

BURNS and ALLEN arrived in Hollywood Sunday to start work on a Paramount picture, "Six of a Kind."

CARL LESSERMAN, Chicago district manager for Warners, is conferring with home office executives here.

RALPH MORGAN is in town and will appear in person at Loew's State for a week starting Friday.

HORTENSE SCHORR is having trouble with her eyes and will have to get spectacles any day now.

M. A. GOWTHORPE, Publix comptroller, is seriously ill at his Westchester home.

LYNN FARNOL is still in Hollywood. Due in New York in another week. Maybe.

MOE SILVER is back from a tour of Warner theatres in Kentucky and St. Louis.

ALAN DWAN is around town after a several years' stay in England.

WARREN WILLIAM is vacationing in the Big Town.

CLIFF (UKELELE) EDWARDS is in town.

Omin Heads Holding Co.

P. H. Omin has been elected president of the Amusement Holding Corp., lessees of the Broadway Theatre, as successor to David Herman, who recently retired. According to Stanley W. Lawton, managing director of the house, "the change represents the purchase of majority control of the corporation by Omin and does not affect the management or policy in any manner."

Chaplin Joins Guild

HOLLYWOOD, Nov. 7.—Charles Chaplin is now a member of the Actors' Guild, leaving Norma Shearer the only important name not enrolled in the membership.

THE SWING TO FOX

is based on

Dependability

Box-office pictures . . . delivered *on time* . . . the secret of the exhibitors' swing toward FOX. Now . . . when you want big pictures to cash in on the rising attendance tide . . . FOX manpower delivers these great releases:

THE MAD GAME *with* **Spencer Tracy,** Claire Trevor, Ralph Morgan. Directed by Irving Cummings. Smash drama of the kidnaping racket. *Released October 27th.*

BERKELEY SQUARE *with* **Leslie Howard, Heather Angel.** Jesse L. Lasky production, directed by Frank Lloyd. Proving a clean-up at popular prices. *Released November 3rd.*

LILIAN HARVEY *in* **MY LIPS BETRAY** *with* John Boles, El Brendel. Directed by John Blystone. Lilian Harvey . . . singing, dancing . . . at her captivating best. *Released November 10th.*

OLSEN'S BIG MOMENT *with* **El Brendel,** Walter Catlett, Barbara Weeks, Susan Fleming. Girlie-girlie, gag-and-guffaw riot. Directed by Malcolm St. Clair *Released November 17th.*

JIMMY AND SALLY *with* **James Dunn** *and* **Claire Trevor.** Directed by James Tinling. Peppy romance of a snappy p. a. and his s. a. sweetie. Swell music. *Released November 24th.*

CLARA BOW *in* **HOOPLA** *with* Preston Foster, Richard Cromwell, Herbert Mundin, James Gleason, Minna Gombell. Al Rockett production, directed by Frank Lloyd. Hot stuff! *Released November 30th.*

JOIN THE UPSWING WITH FOX

Further Halt In Code; Lea Seeking Data

(Continued from page 1)

would undergo no change; that it would be enacted as drawn and changed after a 90-day trial period if inequities in its operation developed. Colonel Lea, however, is empowered to make changes in General Johnson's absence. If he determines upon this, he would establish thereby a precedent in code deliberations, in view of the blanket endorsement given Deputy Administrator Sol A. Rosenblatt's endeavors, plus the fact that three of the NRA advisory boards have approved the document as it now stands. They are certain to register emphatic objection if Colonel Lea sees fit to alter the text.

Certain it is that the agreement would have gone to the White House before General Johnson had left the Capital if Colonel Lea, his assistant, had not been out of the city over the weekend. Now the circumstances reverse themselves, in that General Johnson is away and Colonel Lea is here.

Ed Kuykendall, president of the M.P.T.O.A., is again in Washington with reports that small exhibitors are running into difficulties with their local compliance boards, although exemptions in towns under 2,500 population have been accorded them under a recent ruling made by the President.

The entire code situation tonight appeared to be in the dead center of another mess, with confusion and mystery in the race for first honors.

Southeastern for Code

WASHINGTON, Nov. 7.—Southeastern Theatre Owners' Ass'n. has expressed approval of the industry code in a telegram to President Roosevelt. The wire, signed by Love B. Harrel, secretary, assures the chief executive that the association "unanimously pledges its support and cooperation" to him, Administrator Hugh S. Johnson and Deputy Administrator Sol A. Rosenblatt.

Breen Coming on Code

HOLLYWOOD, Nov. 7.—Joseph I. Breen, Will Hays' executive assistant on the coast, was eastbound tonight for a three-week study of the code and its ramifications and various interpretations. While in New York he may hop to Washington to attend the conference of Catholic bishops there on immoral films.

It Was Futter

Reference to Harold Austin, producer of "Eat 'Em Alive," as the man who made "Africa Speaks" and "India Speaks" by MOTION PICTURE DAILY on Saturday puts the credit for the latter two pictures on the wrong producer, declared Walter Futter yesterday.

Futter made the two films in question.

Wisconsin Dates Set

MILWAUKEE, Nov. 7.—Annual convention of the M. P. T. O. of Wisconsin has been set definitely for Nov. 21-22.

Seat Slashing Follows Bad Films in Argentine

(Continued from page 1)

leading South American market, who related this item of national behavior. Morgan is here on his first trip to New York in three years. The occasion is to look over the company's new pictures; make arrangements for the lerger release schedule occasioned by 20th Century's product, and confer with Arthur Kelly, U. A. foreign manager, now en route to New York from India.

Morgan related that the success or failure of an American picture in the Argentinian market frequently rests with the dialogue interpreter who authors the super-imposed titles in Spanish for the American release. He said a "swell job" had been done by the title writer on "The Kid From Spain," with the result that the picture did exceptionally good business. The success of a picture such as "Broadway Thru a Keyhole," Morgan believes, will depend almost entirely in his territory on the ability of the title writer to translate the jargon of Broadway night life into the language of Buenos Aires theatregoers

Morgan reported that theatre grosses in Buenos Aires, which accounts for 50 per cent of the distribution revenues of the Argentine, have declined to half what they were three years ago. The reasons, he said, were prevailing business conditions there and a serious problem of overseating. The city, with about half the population of Chicago, has 16 first run houses, or almost twice the number so rated in Chicago. There are about 200 theatres in the city.

Morgan believes that the super-imposed tiles universally used on foreign product in the Argentinian market, have also caused the estrangement of many theatre patrons. He thinks that if dubbed Spanish versions were to be introduced there, an appreciable amount of lost patronage could be won back.

He said that restrictions on the export of money from Argentina are working a serious hardship on American distributors, but denied knowldge of any plans of quitting the market because of the money and credit situation. The opinion prevails in Buenos Aires, Morgan said, that no further legislation or imposts affecting films would be enacted.

Allied Sees "Safeguards" In the Code

(Continued from page 1)

on, "that the numerous complaints lodged against the Rosenblatt code will have impressed the NRA with the necessity of appointing as government representative on the code authority men of outstanding independence and ability who will not consent to the exercise of the power conferred by the code 'to promote monopolies or to eliminate or oppose small enterprises, or to discriminate against them'."

It concludes with: "The committee also feels that the NRA has been impressed with the fact that the industry needs an emollient, not an irritant, and that in the future the attitude of the NRA towards the industry will be quite different from that exhibited by Rosenblatt."

Critical reference is made to General Johnson's statement exculpating Deputy NRA Administrator Sol A. Rosenblatt by saying that the Allied committee had understood the conferences in Washington were to be confidential. This, the statement says, "makes it necessary that authentic information regarding the negotiations be given exhibitors."

Iowa-Nebraska Unit Accepts Film Code

DES MOINES, Nov. 7. — Iowa - Nebraska Allied Theatre Owners today approved the industry code with minor changes. The theatremen voted to oppose the proposed 10 per cent admission tax and the alternate 2 per cent gross sales tax at the special session of the Iowa legislature now in session on the ground of being unfair.

Friedman Declares No Rifts at M-G-M

(Continued from page 1)

Wanger, David O. Selznick and Irving Thalberg "as malicious and totally without foundation."

He said the reports, originating in Hollywood, took the M-G-M executives by surprise, adding that conditions were never more harmonious and everything is running smoothly. Friedman stated Schenck is satisfied with Culver City operations and Thalberg's status remains unchanged.

Ben Holzman, manager for Eddie Cantor, also arrived from the coast yesterday on the same train with Friedman and Schenck.

Publix Will Retain Houses in Arizona

(Continued from page 1)

son, Casa Grande and Phoenix, Arizona. Herschel Stuart recently made a survey of the theatres for the trustees, and as a result, Paramount Publix will continue to operate the group as heretofore. F. & M. has a theatre in Phoenix and wanted to strengthen its holdings in this territory.

Sheehan Back With Titles Unchanged

(Continued from page 1)

of vice-president and general manager of production.

J. J. Gain follows second with the title of studio manager; George L. Bagnall, treasurer; eight associate producers; 10 departmental heads; 17 directors; 25 writers; 20 contract male and 19 female players. This strikes a new low level for permanent contract people on this lot.

Schaefer Brands as Lies Cohen Reports

(Continued from page 1)

subject of considerable speculation here. One report on his return from New York last week had it the purpose was to collect his personal belongings and to make room for either William Le Baron, Al Kaufman or B. P. Schulberg.

Warner Anti-Trust Suit Off to Dec. 4

(Continued from page 1)

with its attendant suspension of anti-trust laws for signers of the code.

The suit, which has been pending for more than two years, is an outgrowth of the acquisition of First National by Warners.

Warners to Go West

Harry M. and Jack Warner are expected to leave for the coast in about a week. S. Charles Einfeld may accompany them west.

Salt Lake City Opening

SALT LAKE CITY, Nov. 7.—The new Stadium has been opened here. C. McDermott is manager.

Appeals Court to Get Publix Briefs

(Continued from page 1)

Samuel Zirn, attorney for a Paramount bondholders' group.

The protective committees supporting Trustees Charles D. Hilles, Eugene W. Leake and Charles E. Richardson are the bondholders' group represented by Davis, Polk, Wardwell, Gardiner & Reed, and the general creditors' committee represented by Nathan Burkan.

Circuit Court Judge Martin Manton on Monday set Nov. 11, 20 and 29 for the filing of additional briefs in Zirn's action, preliminary to the hearing Dec. 4.

Strand, Milwaukee, Lifts Warner to 24

(Continued from page 1)

manager for that territory, left for his headquarters in Milwaukee Monday after a three-day conference with Joseph Bernhard.

Weshner has just moved his family to Milwaukee and expects to be back in about three months. Several changes in the Wisconsin setup have been made.

Securities Ruling Eases Underwriting

WASHINGTON, Nov. 7.—Operations of underwriters are seen made easier under a new ruling on the Securities Act made by the Federal Trade Commission which administers the law. Official sanction has been granted to distribution of circulars containing information on proposed issues during the 20 days from the filing of application to its effective date. The circular, however, may not include any offers to buy or sell during that period.

Warners Seen Ready For Foreign Series

HOLLYWOOD, Nov. 7. — Warners entry into the foreign production field was seen here, with the announcement by Jack L. Warner of the first of a series of Spanish musicals to go into production at an early date.

Enrico Caruso, Jr., has been signed to a term ticket to sing in the first, with the balance of the series depending entirely on the success of the one.

The studio has not yet assigned a Spanish film supervisor or director.

Borzage Has a "Find"

HOLLYWOOD, Nov. 7. — Frank Borzage is waxing enthusiastic over George Breakston, an eleven-year-old French lad whom Borzage selected for an important role in "The Paul Street Boys" at Columbia.

The director feels he has a real "find" in Breakston and is planning to launch him in pictures.

Fox Re-Signs Lachman

HOLLYWOOD, Nov. 7.—As a result of his work on "Paddy, the Next Best Thing," Director Harry Lachman has been presented a new long-term contract at Fox.

Rockett Casts Harvey

HOLLYWOOD, Nov. 7.—Buddy DeSylva has granted the request of Al Rockett and has released Lillian Harvey to Rockett for his forthcoming production, "Lottery Lover."

DeSylva is now looking for an actress to replace Harvey in his next picture, tentatively titled "Bottoms Up."

Ida Lupino Is Cast

HOLLYWOOD, Nov. 7.—Ida Lupino's first role since signing with Paramount two months ago will be the lead opposite Cary Grant in "The Trumpet Blows."

Columbia to Start Six Features Soon

HOLLYWOOD, Nov. 7.—Production activity is speeding up at Columbia with three pictures in work and six more scheduled to begin during the week.

Those shooting are "Let's Fall in Love," "Criminal Within" and "Straight Away."

Those scheduled for production within the next few days are: "The 9th Guest," "The Paul Street Boys," "Whirlpool," "Night Bus," "The Most Precious Thing in Life" and "Sisters Under the Skin."

"I enjoyed directing 'A MAN'S CASTLE' more than any picture I have ever made. I owe sincere thanks to Spencer Tracy, Loretta Young, Glenda Farrell, Walter Connolly, Arthur Hohl and Marjorie Rambeau for magnificent performances."

Frank Borzage

THE MOST GLORIOUS LOVE STORY SINCE "7th Heaven"!

"A Man's Castle"

A FRANK BORZAGE Production

with

SPENCER TRACY • LORETTA YOUNG

Screen play by Jo Swerling

From the play by Lawrence Hazard

A COLUMBIA PICTURE

A Screen Guild Picture

IATSE Using NRA Schedule In K. C. Area

(Continued from page 1)

week. The reduction was granted as a temporary relief measure, and was a second cut from the original basic scale of $72.60 negotiated in September, 1932. The $67.15 scale is retroactive to Sept. 1, this year. Contracts for one year are to be signed by the RKO Mainstreet, Publix Newman and Loew's Midland.

Theatres in this area and in Iowa and Nebraska are completing contract negotiations with operators and stage hands which were delayed this fall by the prolonged code discussions in Washington, said Snow. He returned recently from Washington, where he was a delegate to the A. F. of L. convention.

"The film code is satisfactory to union labor," said Snow. "It will make employers and employes live up to fair practices and toe the mark. We consider it gives labor a break, inasmuch as it assures collective bargaining and establishes union wages as the basic standard scale everywhere."

IATSE Is Planning Washington Office

The I. A. T. S. E. is contemplating opening offices in Washington, where officials of the international union can be in direct contact with governmental executives for code matters.

Louis Krouse, assistant to William C. Elliott, president, will be in charge of the Washington office when it is opened.

Ohio Independents Meet Again Nov. 15

COLUMBUS, Nov. 7.—Plans for the formulation of a permanent state organization to which only theatre owners not affiliated in any way with producer circuits would be eligible will be made at a meeting Nov. 15 at the Deshler Hotel here by a committee appointed for the purpose at a meeting of the Independent Theatre Owners in this city on Oct. 31.

On Nov. 16 there will be a general meeting of all independent theatre owners throughout the state at which officers will be elected and a constitution and by-laws will be drawn up. One of the chief topics to be considered at this meeting will be the 10 per cent admission tax.

Arcturus Objects to Court Reply of RCA

WILMINGTON, Nov. 7.—The Arcturus Radio Tube Co., which recently brought suit against RCA to enjoin the corporation from prosecuting an action in the New Jersey courts to collect a minimum annual royalty of $50,000 under a tube patent licensing agreement, has filed exceptions in Chancery Court to the answer filed by RCA to the bill of complaint.

Midland and Loew Suit Is Postponed

(Continued from page 1)

asked for a postponement to permit denial of the charges by New York stockholders.

Reed said he wanted to obtain testimony from Nicholas M. Schenck, E. A. Schiller and David Bernstein setting forth Loew's side of the controversy in refutation of charges that taxes were not paid on Loew's Midland theatre and office building, that Loew's planned to relinquish the property and default to bondholders and that they stated they would so conduct the affairs of the company that Kansas City stockholders got nothing.

Loew officials in New York may come here for the trial, or depositions will be taken in New York, according to Leopold Friedman, general counsel for Loew's, who stopped off here for the trial on his way to New York from the coast.

The local men petitioned for a temporary receiver pending the adjustment of differences and distribution of $225,000 allegedly available for dividends. The properties have a book value of $3,700,000.

Court Approval Is Given on Poli Deal

(Continued from page 1)

weeks before the plans are put into effect. New securities for Poli-New England and Eastern Theatres Corp., underwriters for the former company, will be issued within the next fortnight or so.

Loew's, Inc., is reported to be buying a block of securities in both Poli-New England and Eastern Theatres and is believed set to take over operations of the 18 New England theatres under a three-year management deal as soon as the securities of both companies are issued.

Publix Enterprise Ruling Up Nov. 15.

A ruling on a claim for $155,000 filed against Publix Enterprises by Sunrise Realty Corp. and based on future rents for the Paramount, Palm Beach, Fla., will be deferred until Nov. 15, by Henry K. Davis, referee in bankruptcy, who heard preliminary details of the claim Monday.

Turner Rejoins RKO

Terry Turner rejoins RKO on Monday, succeeding A. P. Waxman resigned. MOTION PICTURE DAILY on Nov. 1 exclusively reported in *Insiders' Outlook* that Turner may rejoin the circuit.

Asks Additional Listing

B. F. Keith Corp. has applied to the New York Stock Exchange for additional listing of $50,000 first and general refunding mortgage 20-year six per cent gold bonds, Series A, due March 1, 1946.

6 Votes Beat Alicoate

John W. Alicoate, publisher of *Film Daily* was defeated as Democratic candidate for councilman in Harrison, N. Y., by a margin of six votes, yesterday.

Brodie from Buffalo

Buffalo, Nov. 7.—Old timers who have seen "The Bowery" during its two-week run in Buffalo recall that Steve Brodie once had a gin mill in Main Street here, before he became famous in New York. Brodie rescued an unidentified corpse from the morgue, the story goes, hired three or four hacks and gave a swell funeral for the drowning victim. His flair for publicity didn't stop there, though—he boasted about his generosity, jeered Buffalo people for being "cheap skates," and a gang from the waterfront wrecked his place, the yarn has it. Brodie then fled Buffalo.

Report of Raid on Fox to Be Probed

WASHINGTON, Nov. 7.—Exposure of an alleged raid on Fox by Albert H. Wiggin, carried out through the brokerage house of Pynchon & Co. at the time he was head of Chase National, may develop when hearings in the Senate stock market investigation are renewed Wednesday.

To Contest Thorpe Suit

Columbia filed an answer in Supreme Court here on Monday in the $100,000 suit brought by Jim Thorpe, Indian athlete, who charges his name and picture were employed in exploitation of "The White Eagle," although he did not appear in the film. Columbia asserts Thorpe withdrew from an agreement to play in the picture after advance advertising had been sent out.

Film Stocks Decline

Film stocks declined $15,104,720 during the month of October on the New York Stock Exchange, bring down the average price to 94 cents a share. Market value of all film shares for Oct. 1 was listed at $151,833,083, or an average of $9.3 a share. On Nov. 1, the market value was listed at $136,728,363, or $8.37 a share.

Canadian Managers In Another Shakeup

TORONTO, Nov. 7.—Another shakeup among Famous Players Canadian managers sends George Rotsky, for years at the Montreal Palace, to the Montreal Capitol, where stage shows are to be inaugurated.

Howard Knevels, formerly at the Imperial here, has been transferred to the Regent at Ottawa, and Tom McCoy goes to the Imperial, Ottawa, with Ray Tubman in sole charge of the Capitol. Leonard Bishop, formerly with Moorehead and Filman, independent circuit in Ontario, has been appointed manager of the Capitol at Halifax for Famous Players.

This is the second realignment of managers this fall under N. L. Nathanson's direction.

Humphrey Sails Today

William Humphrey, prominent exhibitor in Trinidad, British West Indies, sails today for home after weeks here looking over product.

"Square" Big In Music Hall With $80,344

"Berkeley Square" was the big noise among Manhattan first runs last week. It sent the RKO Music Hall take up to $80,344, a whale of a jump after a dull session with "Aggie Appleby."

Jack Pearl's much-talked-about "Meet the Baron" failed to stir up much excitement around the Capitol. The gross was $37,820, a decided drop from the previous week with "Bombshell." "Love, Honor and Oh, Baby" was nothing to get excited about at the Seventh Ave. Roxy, the gross reaching only $19,000.

"Broadway Thru a Keyhole" was strong at the Rivoli at $38,400, and "Kennel Murder Case" was good for $16,000 at the Rialto. "Footlight Parade" took $18,862 in its fourth week at the Strand, its last.

Estimated takings:

Week Ending Nov. 1:

"THE WORLD CHANGES" (F. N.)
HOLLYWOOD—(1,545), 25c-85c, 7 days. **Gross:** $24,740.

"BERKELEY SQUARE" (Fox)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $80,344.

Week Ending Nov. 2:

"WANDERING JEW" (J.A.F.A.)
CAMEO—(549), 25c-40c, 2nd week, 7 days. **Gross:** $4,010.

"MEET THE BARON" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Rudy Vallee and his band. **Gross:** $37,820.

"I LOVED A WOMAN" (F. N.)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $11,734.

"I'M NO ANGEL" (Para.)
PARAMOUNT—(3,700), 35c-99c, 3rd week. Stage: Ethel Shutta and George Olsen and his band. **Gross:** $55,000.

"KENNEL MURDER CASE" (Warners)
RIALTO—(2,200), 40c-65c, 7 days. **Gross:** $16,000.

"LOVE, HONOR AND "OH, BABY" (Univ.)
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $19,000.

"FOOTLIGHT PARADE" (Warners)
STRAND—(2,000), 35c-$1.25, 4th week, 8 days. **Gross:** $18,862.

Week Ending Nov. 3:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $20,763.

Week Ending Nov. 5:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$2.20, 10th week, 7 days. **Gross:** $10,261.

Week Ending Nov. 7:

"BLIND ADVENTURE" (Radio)
MAYFAIR—(2,300), 35c-85c, 9 days. **Gross:** $10,000.

"BROADWAY THRU A KEYHOLE" (U. A.)
RIVOLI—(2,200), 35c-99c, 7 days. **Gross:** $38,400.

Delay I. T. O. A. Meeting

As yesterday was election day, the I. T. O. A. postponed its weekly meeting until next Tuesday. The reviewing committee, appointed recently to report on all independent product, continues to function under the chairmanship of Arthur Abeles.

Foreign Heads to Meet

Foreign managers of all distribution companies meet at 2:15 this afternoon at the Hays office to discuss closing of offices in Czechoslovakia and Denmark because of restrictions recently imposed in these countries.

"Woman" and Show Boston Hit, $21,500

BOSTON, Nov. 7.—Grosses continued to mount last week, with every downtown house showing better takes than a week ago, which were high for the season up to that time.

RKO Boston took top honors for the week with "My Woman" and with George White's "Scandals" in nine complete acts with a company of 75 players. The gross, $21,500, was up $5,500.

The Metropolitan with "Footlight Parade" had a good week and was $4,500 above normal with $32,500. Loew's State, with "Broadway Thru a Keyhole" was $4,000 above average, while Keith's did $3,000 better than normal with "My Weakness."

Total first run business was $118,000. Average is $95,000.

Estimated takings for the week ending Oct. 26:

"MY WOMAN" (Col.)
BOSTON—(2,900), 25c-50c, 7 days. Geo. White's "Scandals." **Gross:** $21,500. (Average, $16,000.)
"BUREAU OF MISSING PERSONS" (Warners)
"THE WORST WOMAN IN PARIS" (Fox)
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000.)
"MY WEAKNESS" (For)
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $19,000. (Average, $16,000.)
"BROADWAY THRU A KEYHOLE" (U. A.)
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $20,000. (Average, $16,000.)
"FOOTLIGHT PARADE" (Warners)
METROPOLITAN — (4,350), 30c-65c, 7 days. Mal Hallett and orchestra. **Gross:** $32,500. (Average, $28,000.)
"BUREAU OF MISSING PERSONS" (Warners)
"THE WORST WOMAN IN PARIS" (Fox)
PARAMOUNT—(1,800), 30c-50c, 7 days. Gross: $10,500. (Average, $9,000.)

"Culture Chamber" Widens Nazi Power

Formation in Germany of a "Chamber of Culture," which will place under direct control of the Reich all forms of creative endeavor, such as music, the graphic arts and films were viewed in New York yesterday as a "follow up" step on the part of the Hitler Government to further place motion pictures under direct control of the state.

Now It's Official

Universal on Monday formally announced distribution of "Midnight," Chester Erskin production made at the Biograph studio in the Bronx. Sidney Fox heads the cast which is composed of many stage names, including O. P. Heggie, Margaret Wycherly, Henry Hull, Lynn Overman, Cora Witherspoon and Humphrey Bogart.

Columbia Signs May

LONDON, Nov. 7.—Joe May, German director, has been signed by Columbia on a long-term contract to produce in Hollywood. He sails for the United States on Nov. 20. Joseph Friedman, in charge of English activities for the company, signed the contract for the company.

West Sets Newark Mark

Newark, Nov. 7.—"I'm No Angel" ended an 18-day run at the Paramount Monday night, breaking the long-run record for the house.

Hollywood On Parade

By BILL SWIGART

HOLLYWOOD, Nov. 7.—The third of a series of "Writers' Luncheons" tendered famous personages was given at their clubhouse recently in honor of Emil Ludwig, self-termed exile from Germany, brought here by Jack Warner to write "Napoleon," which will star Edward G. Robinson. It was responded to by a brilliant gathering of film notables including Rupert Hughes, who acted as toastmaster, Will Rogers, Edward G. Robinson, Judge Ben Lindsay and others of equal prominence. Both Charles Chaplin and Jack Warner were expected to attend but due to the sudden illness of Chaplin and Warner's unexpected trip to New York, they could not.

These get-togethers are developing into the same importance to Hollywood as the famous "Gridiron Dinners" in the east, combining free expression of thoughts tempered by wit, wisdom and good humor. The first to be staged and sponsored by the Writers' Club was Walter Winchell Night, which packed the house to capacity, due more or less, to the previous Jolson-Winchell whatever-it-was at the Hollywood fight stadium.

Second, was the dinner given in honor of Mickey Mouse and his creator Walt Disney, with Chaplin doing the honors. The third so far attributed by the wisacres of Hollywood as a build-up by Jack Warner, as a pre-exploitation build-up for "Napoleon," developed into a more dignified dissertation of subtle humor than the previous two.

Rupert Hughes performed his best as toastmaster, with Will Rogers laying the German biographer open to his well known witty wise cracks.

In part Rogers said:

"Mr. Ludwig speaks four languages, but when he finishes at Warners, he'll be able to speak five. Sure I read Ludwig's 'Napoleon' but never read 'Bismarck'. Neither did many others in Hollywood. Most of the people here don't know it's a book—they think it's a herring.

"Winchell gives you biographies through a keyhole, but this guy Ludwig writes them while lying under a bed—that's why Winchell writes 'em in short paragraphs and Ludwig writes 'em in book length.

"If Ludwig wants to write a real biography, he ought to do one on Aimee Semple Macpherson."

•

With more than seven first string restaurants including Levy's, The Brown Derby, Sardi's, Russian Eagle, Brass Rail and several new ones under construction bordering on the corner of Vine and Sunset Boulevard, this spot is fast becoming the 42nd St. and Broadway insofar as activity of night life and gathering of Hollywood's picture makers and the tourists who congregate to get a glimpse of them are concerned.

•

Since Jesse Lasky decided to make a picture with an all-unknown cast and stating at the time that he was a bit dubious as to the success of the venture, he has been swamped with so many letters of encouragement that it has made him all the more determined to go through with the project. Apart from the commercial aspect of the venture, Lasky says,

"I am happy to be able to do something for the extras."

This intimates that the casting for the unknown players will be confined to Hollywood, sans a nation-wide search for potential inexperienced talent.

•

In addition to running a circuit of nine local neighborhood theatres, Mark Hanson has taken a lease on the late Roscoe Arbuckle restaurant and will install a beer garden in the structure to be called "The Three Little Pig Inn." Hanson expects to apply the same showmanship in attracting customers to this spot that he has in the past in attracting customers to the box-office.

•

Having recently completed his work in "Roman Scandals" with Eddie Cantor, David Manners will leave Nov. 15 for London where he is obligated to act in one picture for British International.

Looking Over Shorts

"Strange As It Seems"

No. 34

(Universal)

Australian Koala bears are one of the interesting features of this number. Other shots show a hand ax wood carver, electric eels, a slingshot William Tell, the Bay of Fundy tide, Japanese cultivation of pearls, torture by Nigerian sun worshippers and piano playing with the toes by an armless boy. Running time, 9 mins.

"Stung Again"

(Universal)

It's the story of the mishaps of a camping trip, with most of the comedy being supplied by Louise Fazenda. A skunk invades the girls' tent and breaks up the fun during the night. Mildly entertaining. Running time, 18 mins.

"In the Zoo"

(Universal)

One of the Oswald cartoon series with Oswald charming animals with an accordion. Peg-leg gets in his villainous work by pulling the lyrebird's lyre, sigs a bunch of moths on to a bear, and padlocks a kangaroo's pouch. Oswald solves all the problems with a series of laughs. Running time, 7 mins.

"I Like Mountain Music"

(Paramount)

The Four Eaton Boys are melodically satisfying in this short based on hill billy tunes. They show themselves capable instrumentalists as well as competent harmonizers. They are worked in cartoon sequences that are vastly hilarious. A good number. Running time, 10 mins.

"Captured" Pulls $13,000, Montreal

MONTREAL, Nov. 7.—Top honors in last week's race for the big money went to Loew's with "Captured" on the screen and a stage show which pulled $13,000, up by $2,500.

"The Way to Love" was good for $11,500 at the Palace and a dual bill consisting of "Morning Glory" and "Flying Devils" took $10,000 at the Capitol. The weather was cold.

The second week of "The Bowery" and "Devil's Mate" was good for $5,000 at the Princess and this might have been better except for the strong opposition. "Nu Comme un Ver" had its third week at the Imperial with a return of $1,500.

Total first run business was $41,000. Average is $39,000.

Estimated takings in the week ending Oct. 28:

"MORING GLORY" (Radio)
"FLYING DEVILS" (Radio)
CAPITOL—(2,547), 25c-35-50-60, 7 days. **Gross:** $10,000. Average, $9,000.)
"NU COMME UN VER" (French)
IMPERIAL — (1,914), 25c-35c-50c-60c, 7 days, 3rd week. **Gross:** $1,500. Previous week: $2,000. (Average, $2,000.)
"CAPTURED" (Warners)
LOEW'S—(3,115), 25c-35c-50c-65c-75c, 7 days. Stage show. **Gross:** $13,000. Average, $10,500.)
"THE WAY TO LOVE" (Para.)
PALACE—(2,600), 25c-35c-50c-60c-85c, 7 days. **Gross:** $11,500. (Average, $11,000.)
"THE BOWERY" (U. A.)
"DEVIL'S MATE" (Monogram)
PRINCESS — (2,272), 25c-35c-50c-75c, 7 days, 2nd week. **Gross:** $5,000. First week: $6,500. (Average, $6,000.)

K. & C. to Produce Three

Krimsky & Cochran, producers of "Emperor Jones," plan to make three more pictures within the next year. Several stories are being considered and await approval of Gifford Cochran, who returned Monday from a trip to Berlin and London. One of the trio may be made on the coast. Whether Rene Clair, French producer, will come over to produce a picture for K. & C. here has not yet been settled..

Seek Eilers Story

HOLLYWOOD, Nov. 7.—Fox's difficulty in lining up a vehicle for Sally Eilers still persists, with the actress now being taken out of the cast of "Disillusion." The studio is now searching for a story with a strong feminine role for the actress, who recently was temporarily cut from the payroll because of disagreement over parts.

"King Henry" to Globe

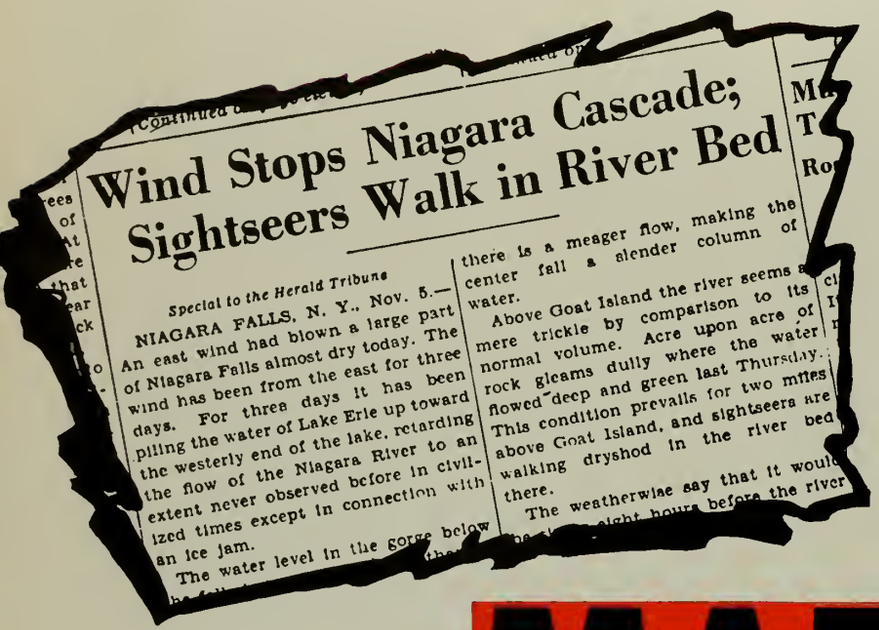
Failing to get together with Stanley Lawton on a deal for the Gaiety, Harry Brandt is booking "The Life of King Henry VIII" into the Globe instead of the former house. The U. A. film opens Nov. 13 and will be advertised as the first Broadway run. It's now playing at the RKO Roxy on Sixth Ave.

Tony Sarg Show to Tour

Plans to give performances of the Tony Sarg Marionettes in film houses are being made by Ernest Briggs, manager of the puppet troupe. The first engagement of the kind will be at the Monroe, Rochester, with a tour in the South to follow.

NIAGARA FALLS

may run dry but—



Wind Stops Niagara Cascade; Sightseers Walk in River Bed

Special to the Herald Tribune

NIAGARA FALLS, N. Y., Nov. 5.—An east wind had blown a large part of Niagara Falls almost dry today. The wind has been from the east for three days. For three days it has been piling the water of Lake Erie up toward the westerly end of the lake, retarding the flow of the Niagara River to an extent never observed before in civilized times except in connection with an ice jam.

The water level in the gorge below there is a meager flow, making the center fall a slender column of water.

Above Goat Island the river seems a mere trickle by comparison to its normal volume. Acre upon acre of rock gleams dully where the water flowed deep and green last Thursday. This condition prevails for two miles above Goat Island, and sightseers are walking dryshod in the river bed there.

The weatherwise say that it would

MAE WEST

in "I'm No Angel"

with Cary Grant, directed by Wesley Ruggles

runs on forever!

Six tremendous weeks at Oriental Theatre . . . Chicago
Four capacity weeks at Paramount Theatre, New York
Four crowded weeks at State Theatre . . . Detroit
Four weeks at Grauman's Chinese Theatre, Los Angeles
Three record weeks at Paramount Theatre . . . Newark
Three capacity weeks at first-run house . . . Cleveland
Three big weeks at first-run houses . . . San Francisco

The 2-week first-run engagements of this picture are too numerous to list here

Paramount Pictures

If it's a Paramount Picture it's the Best Show in Town!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 110 NEW YORK, THURSDAY, NOVEMBER 9, 1933 TEN CENTS

Reade Urges RKO to Quit As Producer

Hits Radio City Houses; Court Refuses to Act

Recommendations that RKO receivers dispose of Radio Pictures and the Radio City theatres were made to Federal Judge William Bondy in U. S. District Court here yesterday by Walter Reade, theatre operator, who said he had a $3,000,000 creditor's claim against RKO which he felt would be protected if the company were rid of the two subsidiaries which, he charged, were "bleeding it to death."

The hearing before Judge Bondy was on a petition of Irving Trust Co.

(*Continued on page 4*)

Hanson Takes Over Monogram in Canada

TORONTO, Nov. 8.—Oscar Hanson, president of Empire Films, has acquired the Canadian Monogram franchise formerly held by Regal Films, Ltd. Twenty features are expected.

Empire Films now has British International, Majestic, Educational, Monogram and Associated Radio, as well as state rights for all Canada.

Tri-State Acquires Des Moines Company

DES MOINES, Nov. 8.—Tri-State Theatres Corp. today purchased the Des Moines Theatre Co., which operates the Paramount, Des Moines, Garden and Strand here. The purchased unit controls several franchise rights.

Formation of Tri-State was announced at the close of a convention

(*Continued on page 4*)

Sally to Drop Fans

Kansas City, Nov. 8.—"I'm through with the fan dance," declared Sally Rand, visiting here with her family, and then added, "if I can help it." She explained that as far as she was concerned, she leaves the fan dance to her imitators, but since she is under contract to Paramount, if that company demands she appear with her ostrich plumes in pictures or in personal appearances, she will comply.

Weigh Academy's Future As Cowan, Levinson Resign

HOLLYWOOD, Nov. 8.—Lester Cowan has resigned as executive secretary of the Academy of M. P. Arts and Sciences, asking to be released as quickly as possible. He gave as his reason for resigning his belief it was impossible to carry on the basic purpose for which the Academy was originally designed. His retirement is taken as an indication that the organization is washed up. Another to quit is Major Nathan Levinson, executive chairman of the technicians' branch.

Cowan has been under fire by some of the Academy groups. He has been reported in conflict with J. Theodore Reed, president, over his method of handling the code in Washington.

Some hint of Cowan's action was believed today to have developed from a conference of the board of governors of the Academy Monday night. Although no official statement was given out as to what went on at the meeting, some members declared Cowan and Reed were "put on the spot" for what happened in Washington, further asserting that, inasmuch as it was considered bad policy to ask either to resign, the gov-

(*Continued on page 9*)

Coast Has 48 In Work with 36 Preparing

HOLLYWOOD, Nov. 8.—Hollywood production for the week ending Nov. 4 shows a normal stride with a total of 48 features in work, 36 in final stages of preparation ready to start within the next two weeks and a total of 44 in the cutting room.

Of this number Paramount leads with a total of 10 in work and seven in preparation; M-G-M follows with six in work, eight in preparation and six in the cutting rooms; Radio has seven working and four cutting; Fox

(*Continued on page 8*)

Morros Battles for Run of "Duck Soup"

Boris Morros, who had a tussle on his hands to keep "I'm No Angel" for the Paramount when the Rivoli claimed it as one of the three Paramounts under its standing agreement. is in the throes of the same sort of fracas. This time it is over "Duck Soup" which U. A. wants. Morros is insisting upon the Paramount, figuring it will run two and, perhaps, three weeks.

Coast Union Takes Row to A. F. of L.

HOLLYWOOD, Nov. 8.—Reverberations of the recent studio strike were heard yesterday with rumblings of an unofficial threat from Local 37 that it would quit the A. F. of L. over its dissatisfaction with the way the dispute was settled. The local is angered over its allegation that many mem-

(*Continued on page 4*)

Year Passing With But One Adverse Law

Sighs of relief are becoming audible now that what probably has been the worst legislative siege confronted by the industry is about to expire with only one casualty to date. This is Ohio, where a 10 per cent admission tax made the grade and is now in effect with considerable worry resulting on the part of theatremen.

The calendar year has been one of the few, and perhaps the first, in legislative history where the entire tier of 48 states held law-making sessions.

(*Continued on page 4*)

Penn, Jersey Blue Laws Are Eased Up

Blue laws were relaxed in two states as a result of the Tuesday balloting. In Pennsylvania baseball games on Sunday afternoons were authorized in a statewide referendum. This is the first relaxation of the 1794 statute and is regarded by exhibitors as a hopeful sign for further easing up on Sunday shows.

In New Jersey, Asbury Park, Long Branch, Freehold and Keyport were added to the list of communities permitting Sunday shows.

Trust Law Changes Favored in Kansas

TOPEKA, Nov. 8.—A Legislative Council measure designed to make the Kansas anti-trust laws conform with the National Industrial Act has been recommended for passage by the House Judiciary Committee. The

(*Continued on page 4*)

Code May Go To President On Vacation

Executive to Leave for South on Nov. 17

WASHINGTON, Nov. 8.—Failure of Acting Recovery Administrator W. R. Lea to pass on the film code before the return of Gen. Hugh S. Johnson next week may result in the President approving the document while at Warm Springs, Ga.

Gen. Johnson is slated to return to Washington about Nov. 14. The President is scheduled to leave the city Nov. 17, and it is not believed that the administrator will be able to give consideration to and pass upon the code immediately, because of the mass of work which will be awaiting his attention.

There were no indications today that Col. Lea had changed his determina-

(*Continued on page 4*)

Local 306 Calls Off Pickets in 11 Spots

Picketing by Local 306 of the 11 independent theatres which recently replaced I.A.T.S.E. men by Allied M. P. Operators has been abandoned until negotiations between the union and the I.T.O.A. come to a head. The local has submitted its wage scale to the exhibitor organization and the I.T.O.A., likewise, has made a proposition for booth scales. A compromise is expected.

San Antonio Scales Lifted; Takes Gain

SAN ANTONIO, Nov. 8.—San Antonio theatre men have raised admission prices and while attendance has not increased materially the intake has jumped from $300 to $500 in each box-office weekly.

The Majestic, the city's de luxe showhouse, seating 4,000, has jumped

(*Continued on page 4*)

Meet; Don't Act

Foreign managers met at the Hays office yesterday to discuss formulation of a stand on closing offices in Denmark and Czechoslovakia, but deferred action to a meeting slated for Monday.

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Hoffman Temporary Goldman Successor

PHILADELPHIA, Nov. 8.—I. J. Hoffman may take over William Goldman's duties for the time being. Goldman has resigned his post as Warner theatre district manager in this territory and no successor has been named.

Joseph Bernhard, general manager of the circuit, is here and will remain for about a week.

William ("Billy") Goldman has been head of Warner theatre operations in the Philadelphia territory for about five years, prior to that having been active in St. Louis. He is one of the best known theatre operators in the business.

Goldman's contract is understood to run until May, 1934. His policies are reported to have been under fire for some months with I. J. Hoffman, one of the two national theatre supervisors for Warners under Joseph Bernhard, the direct point of conflict.

Reached on the long-distance telephone Goldman declared he had no statement to make regarding future plans. He is expected to remain with the organization for several weeks longer cleaning up current detail.

Harry Kalmine, district manager in Pittsburgh, has been reported as Goldman's successor. Last week, Kalmine denied this.

MGM Day at AMPA

Today is MGM day at the AMPA. Peter Freuchen, author of "Eskimo," and Capt. Volney Phifer of MGM will be the principal guests, while Ann Ronell, lyricist and composer, and Joseph Higgins, sheriff of New York county, will round out the program.

Lloyd Going to Europe

HOLLYWOOD, Nov. 8.—Frank Lloyd will sail from New York, Nov. 15 for a two months' vacation in Europe. His plans for the future are as yet unsettled.

The Pay-Off

EXACTLY what is an "unconscionable salary"? You hear a good deal about the term since the President, as a result of a direct question, informed the trade and the American public that it was his opinion such salaries should be curbed.

Granting they should, which we do not, the how, the why and the when poise three obstacles difficult, if not impossible, to jump. Much in the industry's eye at the minute is the case of Mae West. With no picture work to her credit, the curvacious one made "She Done Him Wrong," a rough, bawdy, but nevertheless, honest enough portrayal of what it set out to portray.

▼

OVERNIGHT, the West rage swept the nation, paved the way for "I'm No Angel," set Miss West up front, if not in front, as the ace drawing card of the entire business. Whether you think she's too rough for pictures or whether you do not, facts have an annoying habit of becoming irrefutable, and the facts are as you have just read them.

The picture, which wouldn't even be a picture if anyone but Mae West were in it, has done so much to bolster Paramount's cash position that many of the company's executives today are positive in their belief bankruptcy days are rapidly drawing to a close. All sorts of records have cracked or are cracking under the Westian leers and the generous, but interesting, distribution of her avoirdupois.

WHO is there, what system is there—unless it is straight profit-sharing—to determine how much Miss West is worth to her employing producer and the thousands of theatremen who run her pictures? This thing called personality or name value or box-office appeal not only is of the essence of the business. It *is* the essence. Without it, the sort of industry this would be might not be so pleasant to contemplate as a purveyor of salable commodity.

Stars, the real kind, will always draw big money. More than they deserve? Maybe so, maybe not. It doesn't make much difference on the balance sheet for the long pull because of the wedge in sales which the established drawing cards constantly supply.

▼

AT the code meetings in Washington was one important executive who fought the plan for a salary-fixing commission. He made the statement, which so far as we know was not adequately battered down there and has not been since, that no real star has ever caused his or her producer any losses. Bookkeeping or even actual losses on the star's specific pictures, yes. Profits through the system of selling second-raters on the strength of the major stellar attraction, also yes and a loud one.

All of this has to do with talk and gestures about curbing salaries in the wrong direction. That kind of talk and that kind of gesture are idle because they can only mean a waste of time. The producers, we

(Continued on page 8)

Eastman Up Two and Three-Quarters

	High	Low	Close	Net Change	Sales
Columbia Pictures, vte	23	22⅛	23	+ ½	400
Consolidated Film Industries	3⅛	3	3	.....	200
Consolidated Film Industries, pfd	9⅛	8⅞	8⅛	.....	200
Eastman Kodak	74¾	71¾	74¾	+2¾	1,100
Eastman Kodak, pfd	127¾	127¾	127¾	.....	1,000
Fox Film "A"	15	14¼	14¼	— ½	200
Loew's, Inc.	30½	28½	30¼	+1⅝	2,900
Paramount Publix	2	1⅝	2	+ ¼	1,500
Pathe Exchange	1½	1⅛	1⅛	.....	500
Pathe Exchange "A"	8⅜	8¼	8⅜	+ ⅜	200
RKO	2¼	2⅛	2⅛	.....	300
Warner Bros.	6⅞	6⅜	6⅞	+ ½	8,100

Technicolor Jumps One-Half

	High	Low	Close	Net Change	Sales
Technicolor	11½	11	11½	+ ½	1,300

Pathe Gains One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	43⅛	35⅝	43⅛	+ ⅝	5
General Theatre Equipment 6s '40. etf	4	4	4	.....	5
Keith B. F. 6s '46	46¼	46	46¼	+1¼	6
Paramount Broadway 5½s '51	30	29½	30	+ ½	3
Paramount F. L. 6s '47	27½	27½	27½	— ⅝	1
Paramount Publix 5½s '50	28	28	28	.....	3
Pathe 7s '37, ww	85	85	85	+1	1
Warner Bros. 6s '39, wd	41	40	41	+ ¾	16

Purely Personal

BORIS MORROS, ARTHUR MAYER and GEORGE HOFFMAN did their lunching in the taproom of the Astor yesterday. JAKE WILK and WILLARD PATTERSON were also there.

GENE O'BRIEN, formerly assignment editor of World Wide Photos, leaves for Hollywood this week to handle publicity pictures for Warners.

AL ALT, vice-president of Screencraft, is now in town conferring with D. J. MOUNTAN, president of Showmen's Pictures, Inc.

MR. AND MRS. BENJAMIN GLAZER will reach New York early next week on their way from Europe to the coast.

HARRY GRIBBON has been resigned by SAM SAX to make a second two-reel comedy for Vitaphone.

MARQUIS HENRI DE LA FALAISE DE LA COUDRAYE arrived on the *Champlain* yesterday from France.

EDGAR BERGEN, ventriloquist, is making a one-reel comedy for Vitaphone.

Edward Golden, Monogram sales manager, leaves for Toronto today.

HOWARD SMITH, scenario editor for 20th Century Pictures, is in town.

LaGuardia at M. P. Club

Fiorello H. LaGuardia celebrated his election as mayor of New York Tuesday night by giving a dinner at the M. P. Club to members of his ticket and sponsors of his campaign. Louis Nizer, chairman of the films committee in the campaign, and Louis Phillips, Nizer's law partner, were among the guests.

Pollard Starts Shooting

"Bud" Pollard, independent director, starts shooting today on a series of eight commercial shorts which he is directing for General Business Films. The series is being made at the "Bud" Pollard Studios, Grantwood, N. J. Don Malcames is doing the camera work.

Gollumb Starts at Para.

HOLLYWOOD, Nov. 8.—Joseph Gollumb, well known writer on criminology and former New York newspaperman, reported to work today at Paramount where he will collaborate on the screen play of "Murder in the Vanities."

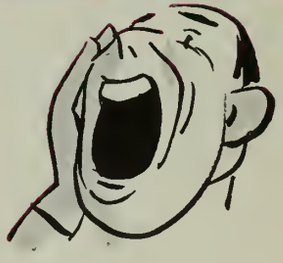
Dressler Party on Air

HOLLYWOOD, Nov. 8—An international broadcast of the Marie Dressler birthday dinner will take place tonight from the MGM studios. Louis B. Mayer will act as toastmaster and Gov. James Rolph will speak.

Dalmatoff Signed

Warners have signed Michael Dalmatoff for "Wunder Bar." He leaves for Hollywood next Wednesday to join the cast.

SHOUT ABOUT PRIZE FIGHTER AND THE LADY



THE BIG NOISE OF YOUR LIFE!

M-G-M's happy because you'll be happy!

Reade Urges RKO to Quit As Producer

(Continued from page 1)

to be continued as RKO receiver. Opposition to this petition was voiced by the Harrison Theatre & Realty Corp., also an RKO creditor, which charged that Irving Trust was "not qualified" to continue because it lacked amusement industry experience and had been remiss in failing to attack as preferential a transaction completed the day before the RKO receivership last January which resulted, according to the creditor's attorney, in giving RCA a favored lien on $2,400,000 of RKO assets.

Judge Bondy instructed Reade to take up his grievance against Radio Pictures and Radio City theatres with the RKO receivers and their attorneys, reporting the results of his action to the court. Judge Bondy also held that Irving Trust should be continued as receiver and RKO business be conducted as is until more definite recommendations for changes have been prepared for the court. At that time, he indicated, a ruling on Reade's recommendations would be in order and a limitation on the continuance of the RKO receivership might be fixed.

Sees No Reason for Continuance

Reade charged that Radio Pictures was being continued "only to supply the Radio City theatres with product" and that it was not successful in this. After making a devastating criticism of the Radio product, Reade charged that the production company had lost "about $15,000,000" in three years and had lost its justification to exist.

The Radio City theatres he described as "white elephants" which had lost $134,000 in eight months.

"No one could run those Sixth Avenue theatres," he said, "under that $1,000,000 a year rental."

Reade charged that Radio Pictures and Radio City theatres operated on a "guest executive" policy. "They have guest directors at the Hollywood studio," he said, "who are paid from $2,500 to $5,000 a week and only stay a few months. They've had about 16 guest directors in 15 months. The same applies to Radio City. Before a registered letter can get over there the executive to whom it was addressed has lost his job."

Reade also argued that the company's Radio City office leases were "too costly" and large amounts could be saved if RKO offices were quartered in space in its own theatre buildings. An attack was made against RKO Service Corp., which, Reade said, formerly made a service charge of $600 weekly against the Mayfair. Reade related that since he had been operating the house "the same service was performed at a cost of $25 a week."

Calls Theatre Subsidiaries Sound

The RKO theatre subsidiaries, particularly the Keith and Proctor groups "are sound" and could be operated profitably "if they could get rid of Radio Pictures ties," said Reade.

Reade also charged that Nate Blumberg had "acquired virtually all of the Orpheum circuit for himself since that unit was disaffirmed by RKO receivers, and Blumberg is now in charge of eastern theatres, receiving an RKO salary."

Horace R. Lamb, counsel for Irving Trust, interposed at this point to protest against what he described as Reade's "loose talk." He declared that the statements which had been made were "directly opposite to the truth."

Judge Bondy declared, however, that Reade's interest was "commendable" and his statements should receive "very serious consideration from the receiver."

Lawrence Green, counsel for the Harrison Theatre & Realty Corp., in arguing for the removal of Irving Trust as receiver declared that Merlin H. Aylesworth, president of RKO, was also a director of Irving Trust Co., which, he charged, "results in conflicting and disqualifying interests."

Approval of the RKO receiver's second report, filed last week and disclosing an estimated eight months' loss of $3,356,552, was denied by Judge Bondy on the grounds that there was no precedent for approving such reports.

Ridin' Together

Hollywood, Nov. 8.—Screen cowboys are the latest to organize into a guild. One hundred have already signed up. Qualification for membership is one year's experience before the camera. Their purpose is to set up a wage standard and keep the inexperienced from competing with them.

San Antonio Scales Lifted; Takes Gain

(Continued from page 1)

from 40 to 50 cents top. In a recent week when Duke Ellington and his band were an added attraction the top was 60 cents. When the Majestic resumes vaudeville with its pictures soon, the top will be 60 cents. When on a straight picture policy the top is 50 cents.

The Texas, 3,000 seats, is maintaining its old price of 50 cents top. This house is on a picture policy.

The Empire has raised from 40 to 50 cents top. Also on a picture policy.

Before raising their prices, San Antonio's first run houses added to their grosses by eliminating early matinees. From 11 A. M. to 1 P. M. the price was 25 cents. By agreement the theatres eliminated the 11 A. M. opening. They now open at 1 P. M., and instead of 25 cents they charge 35 cents until 6 P. M. After that the price is 50 cents.

Tri-State Acquires Des Moines Company

(Continued from page 1)

of A. H. Blank managers. Blank said it was composed of a number of midwest theatre men and intended to "absorb any and all" theatre properties in the midwest which are available.

Several deals are pending, including some in Kansas City. The company now controls 22 houses. G. R. Branton, formerly of Boston and Minneapolis, is operating manager.

Year Passing With But One Adverse Law

(Continued from page 1)

Sixteen met twice and, if no extra sessions are called, four will have met three times by the end of the month.

Approximately 400 pieces of adverse legislation were introduced, running the entire gamut from tax bills, which came to be regarded as perfunctory and routine, to measures calling for censorship, and opposition to standing room, such as one pending now in St. Louis. Ordinarily, the total per annum hits about 250.

In most instances, the states have been seeking money and so developed their legislative agencies accordingly. Tax bills, therefore, were more frequent than those of any other type. This type of statute still pends in Missouri, Iowa, Montana, Kansas, Colorado and Mississippi.

Isolated laws affecting the industry may be enacted, but the prospects for an almost 100 per cent clean slate look encouraging.

Missouri Sales Tax Bill Is Agreed Upon

JEFFERSON CITY, Mo., Nov. 8—A general tax of one-fourth of one per cent on sales of all commodities and services has been agreed upon by the House Ways and Means Committee for recommendation to the State legislature tomorrow. The bill, a compromise measure, follows Governor Parks' demand for immediate action on taxes for relief and may supersede all other tax bills.

Coast Union Takes Row to A. F. of L.

(Continued from page 1)

bers were forced to take cards in other unions before being permitted to work. The local has sent an open letter to William Green, president of the A. F. of L., appealing for his help.

"Make it possible for us to exist as before July 24, the date the general strike started," the letter reads.

It has been learned that the $33,000,000 suit brought against the I.B.E.W. and the Brotherhood of Carpenters, along with the studios, charging conspiracy to break the local, will be carried through the courts.

Trust Law Changes Favored in Kansas

(Continued from page 1)

committee struck out much of the proposed bill, leaving only a provision that in any court action alleging violation of the state anti-trust laws, proof that the act complained of was in compliance with a code or regulations under terms of the NRA would be a complete defense.

Al Cohn in Customs Post

HOLLYWOOD, Nov. 8.—Al Cohn, screen writer, has been appointed customs collector for Los Angeles as a reward for his work in the presidential campaign last year. He succeeds Dr. Howard Seager.

Code May Go To President On Vacation

(Continued from page 1)

tion to study the code carefully before sending it along to the White House. Visitors inquiring about the matter were given scant encouragement.

Meanwhile, telegrams, letters and resolutions endorsing the code continue to come to Deputy Administrator Sol. A. Rosenblatt from independent exhibitors and their organizations, among those received today being a wire from Allied Theatre Owners, Inc., Nevada, Ia., and a copy of resolutions adopted by the M.P.T.O. of the District of Columbia.

Farnsworth Is Named As Rosenblatt Aide

WASHINGTON, Nov. 8.—Appointment of William Farnsworth, who served as legal advisor during part of the film code hearings, as assistant to Deputy Administrator Sol A. Rosenblatt was formally announced today by the Recovery Administration.

Tickets at $30 Net Agency's Suspension

WASHINGTON, Nov. 8.—Sale of two tickets to the Music Box, New York, for $30 when the box-office price, plus agency fee, should have been $10.45, today drew for the Broadway Theatre Ticket Co. a suspension of license for one week. The penalty was ordered by Deputy Administrator Sol A. Rosenblatt in passing on recommendations of the national legitimate theatre committee for a two weeks' suspension.

The Lyceum was exonerated by Rosenblatt of charges of having failed to comply with requirements of the code as to lobby posting, and the decision of the committee holding the theatre had violated the code and recommending a $500 fine was reversed.

IATSE Man in Capital

WASHINGTON, Nov. 8.—Louis Krouse, assistant to William C. Elliott, president of the I.A.T.S.E., is here making arrangements to set up an office for the international.

The I.A.T.S.E.'s idea is to be near the Administration on code matters, particularly as they affect labor.

Sennett Claims $4,000

HOLLYWOOD, Nov. 8.—Claims totaling more than $4,000 are involved in the involuntary bankruptcy filed in Federal Court here against Mack Sennett, Inc. Three creditors have filed claims. They are the Smith Bros. Paint Co., Cinema Props and S. C. Shine.

Walter C. Durst, local attorney, former receiver for the Hughes Multi-Color plant, has been appointed receiver for Sennett by Judge George Cosgrave.

Weiss to Start Soon

Louis Weiss has started plans for production of "Memory Lane" both in New York and Hollywood. He is now lining up a cast.

You can't go wrong!
Take a Chance

Oh, Mahatma!" James Dunn, with Cliff Edwards' assistance, reads Lona Andre's mind.

Buddy Rogers and June Knight furnishing the Love Interest

Cliff Edwards . . . does it with his ukelele!

"TAKE A CHANCE" was the one big smash hit on Broadway last year. Week after week it packed 'em in at $4.40 top at the Apollo Theatre for thirty-three consecutive weeks.

Laurence Schwab who produced this success, now brings it with all its laughs and music to the screen. William Rowland and Monte Brice, the "Moonlight and Pretzels" boys, are associated with Mr. Schwab in this project. Bobby Connolly, ace Broadway dance director, staged the dances. Buddy DeSylva, Vincent Youmans, Lew Brown and Richard Whiting helped Mr. Schwab with the book and the music. New numbers have been added, and "Eadie Was A Lady" remains as ever, "a lady".

"Should I be Sweet or Hot?"
June Knight — Lilian Bond

"...She has Klass with a Capital K!"
Lillian Roth singing "Eadie Was a Lady!"

"TAKE A CHANCE"

with JAMES DUNN
JUNE KNIGHT LILLIAN ROTH
CLIFF EDWARDS LILIAN BOND
DOROTHY LEE LONA ANDRE
CHARLES "Buddy" ROGERS

A Paramount Release. Produced by Laurence Schwab
in association with William Rowland and Monte Brice.

IF IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOW IN TOWN!

Paramount Pictures

Coast Has 48 In Work with 36 Preparing

(Continued from page 1)

four working, five preparing, three cutting; Warners have five working, five preparing, 10 cutting; Universal has five working, one preparing and four cutting; Columbia reports two working, two preparing and five cutting; United Artists has two working, none preparing and six cutting, while the smaller independent producers report a total of seven working, eight preparing and five in final stages of cutting.

Activity among the short subject producers is much below par with a total of only five in work, 12 preparing and 25 in cutting rooms. Of this number, the major studios show only one working, seven preparing and 20 in the cutting rooms, while the independent group reports but four working, 12 preparing and five in the cutting rooms. This survey, however, does not include the makers of cartoon subjects, which, because of their uncertainty in production schedules stretching over a period of months, furnish no definite account of just what is in work.

Will Do Three Musicals

Grace Moore, opera star, is scheduled to make an operetta for Columbia and one musical each for M-G-M and United Artists.

She has just come east to fill an engagement at the Metropolitan and will return to the coast Dec. 16 to sing in San Francisco and Los Angeles. Her film work starts shortly after the first of the year.

Hold Elliott Funeral

CINCINNATI, Nov. 8.—Funeral services for R. B. Elliott, 75, Lexington, Ky., father of John Elliott, owner of four houses in Lexington and a circuit of houses throughout central Kentucky, who was killed Sunday night by a hit-and-skip motorist, were held here. The body was cremated.

Trans-Lux House Ready

The new Trans-Lux theatre on Madison Ave. between 59th and 60th Sts. will make its bow tomorrow evening. The house seats 450 and is a stone's throw from the original Trans-Lux on the corner of 58th St. and Madison Ave., which is now dark.

Fire at Columbia

HOLLYWOOD, Nov. 8.—Fire in the cutting room at Columbia today caused $5,000 damage.

Meet the Mayor

Ralph Budd, personnel manager of Warners, has another title. He's now mayor of Wyckoff, N. J., where he defeated his Republican opponent by 180 votes on Tuesday, it was learned yesterday.

Looking 'Em Over

"You Made Me Love You"

(Majestic)

Here's a sure bet for audiences that go in for light musicals with a generous sprinkling of comedy. It has three haunting tunes. Despite its having been produced in England by Devon Films, the picture should get real response. Stanley Lupino capers through, singing and dancing with an ease that makes his part outstanding. Thelma Todd is better here than in anything she has previously done. Monty Banks, formerly in American pictures, directed and deserves considerable credit for turning out this entertaining piece. The balance of the cast, while meaning little to American audiences, support nobly.

Smacking of "The Taming of the Shrew," the plot has Lupino, a song writer, meeting and losing Miss Todd in a London traffic jam with the result that this incident gives him enough inspiration to write one of the song hits of the season. He is later thrown out of his father's music publishing business when he inadvertently hits the girl's father with an inkwell just after the competing publisher has closed a deal for merging both concerns.

His car broken down, the hero drops into Miss Todd's house by accident and asks for aid. He knows her brother and later squares up with her father when he is inveigled into marriage with Miss Todd, whose erratic outbursts are causing havoc in the household. The heroine innocently falls for the scheme, but it's Lupino's idea he can reform her. After he marries her, the hero puts her through many an uncomfortable experience and almost has her system cleansed of the wracking spasms when she gets wind of the frameup. She lashes into her routine and wrecks another house. Her husband gives her up as a bad case, but when the owner of the house informs Miss Todd that Lupino was sincere and loves her, she decides the experience was great fun after all and goes back.

"Sweetheart of Sigma Chi"

(Monogram)

Monogram's college melodrama proved to be nice entertainment to a Mayfair audience yesterday. It has pep, snappy tunes and an exciting crew race to round out the love affair of Buster Crabbe and Mary Carlisle. Florence Lake provides the humor.

The story has Crabbe woman-shy and falling for Miss Carlisle. The heroine up to this point has been courted by Charles Starrett, another member of the rowing team. Miss Carlisle makes a bet with her sorority friends that she can make the hero fall head over heels for her and she does. When Crabbe gets wind of it, he calls the whole affair off and is razzed by his fellow students.

The heroine announced her engagement to Starrett, and Crabbe, who has been thrown off the crew, makes an effort to get back again. He gets his chance when Starrett is hurt in an auto accident. Crabbe comes through in perfect form and the heroine apologizes to him for her past treatment, confessing she was really in love with him. The hero forgives and all is forgiven.

Ted Fio-Rito's orchestra and entertainers provide the musical numbers while Eddie Tamblyn, Sally Starr, Mary Blackford, Tom Dugan, Burr McIntosh and Major Goodsell lend good support to the principals.

MOTION PICTURE DAILY on Oct. 11 reviewed the picture in highlight form from Hollywood.

"The Charming Deceiver"

(Majestic)

This is the picture Constance Cummings recently made in England for British International. The American star commands the situation at all times, despite the able support of an all-English cast, including Frank Lawton, the leading man. Monty Banks has injected some humorous interludes and also manages to include a catchy song number.

A mannequin in a leading London dress shop, Miss Cummings accidentally meets Lawton, falls in love with him and is about to lose him when he leaves for Deauville. Rather than give him up, she follows and on the boat again meets her lover as a steward. Enraged at the deceit, she decides to forget the whole affair and continues on her way to spend the fortune left by her aunt.

Unable to get a room in one of the hotels, her traveling companion tells the proprietor in one of the swanky hostelries that Miss Cummings is Dorothy Kay, an American actress. That changes everything and even brings a new lover, who eventually takes her to a yacht party.

(Continued on page 9)

The Pay-Off

(Continued from page 2)

THE economic relief which is so necessary should be sought from all those below the creative top in all branches of the industry. Those who produce results are privileged to benefit as their value determines. You might argue it is unsound economically and that huge fortunes would go to a handful of marquee names.

It is true. They would, but who else deserves them?

KANN

Court Costs Put on St. Louis Plaintiff

ST. LOUIS, Nov. 8.—Circuit Judge Henry Hamilton has ruled that the plaintiffs in the receivership suit against Skouras Brothers' Enterprises, Inc., holding firm for the Ambassador, Missouri and Grand Central theatres and owner of a majority of the stock of the St. Louis Amusement Co., must pay the costs of the litigation.

Judge Hamilton in August dismissed Jesse W. Barrett and Walter H. Nohl as receivers for the company and also Henri Chouteau and Roy F. Britton as receivers for the St. Louis Amusement Co. The order in the Skouras Brothers receivership does not extend to the St. Louis Amusement case, but it is understood that Judge Hamilton will act later in this case.

The costs in the two cases have been estimated at $80,000. Jack Shea, manager of a theatre controlled by Harry Koplar, and his sister, Miss Katie Shea, were the plaintiffs of record in the St. Louis Amusement case while the Skouras Brothers suit was brought in the name of William J. Blake, Harry Koplar, former associate of the Skouras Brothers, took an active interest in the suits and the defense claimed he was the real moving spirit behind both.

Williams Named for 14th Term by MPTO

OMAHA, Nov. 8.—Charles E. Williams was reelected president of the M. P. T. O. of Iowa and Eastern Nebraska for the 14th term at the recent convention here.

Other officers named were: Vice-president, H. F. Kennedy, Broken Bow, Neb.; secretary-treasurer, Walter Creal, Omaha; board of directors, Charles Prokop, Wahoo, Neb.; Dale Goldie, Cherokee, Ia.; Harry Day, Ida Grove, Ia.; A. H. Lehman, Avoca, Ia.; H. E. Brookings, Weeping Water, Neb; J. E. Schnoover, Aurora, Neb.; W. A. Bowker, Dunlap, Ia.; Dick Kerberg, Sheldon, Ia.; Nate Dax, Sioux City, Ia; Sam Epstein, Omaha; Oscar Johnson, Falls City, Neb., and A. H. Record, Hebron, Neb.

Riverhead for Schwartz

A. H. Schwartz expects to add the new Riverhead, Riverhead, L. I., to the Century Circuit around Christmas time. The house is scheduled to open Dec. 25.

"Angel" Gets $20,250 3rd Week in L.A.

Los Angeles, Nov. 8.—"I'm No Angel" again ran away with the big money in its third week at Grauman's Chinese. The take, $20,250, was about $4,000 under the second week, but it was still outstanding, topping par by $6,250.

"Take A Chance," helped by Bing Crosby on the stage, was also strong with a gross of $23,000. "Bombshell" was good for $15,650 at Loew's State.

Total first run business was $114,850. Average is $97,100.

Estimated takings for the week ending Nov. 1:

"I'M NO ANGEL" (Para.)
CHINESE—(2,500), 50c-$1.65, 3rd week, 7 days. Sid Grauman prologue. **Gross:** $20,250. (Average, $14,000.)

"BOMBSHELL" (M-G-M)
LOEW'S STATE—(2,415), 25c-40c, 7 days. Ben Bard on the stage. Ed Lowry and his band. **Gross:** $15,650. (Average, $14,000.)

"TAKE A CHANCE" (Para.)
PARAMOUNT—(3,598), 25c-40c, 7 days. Georgie Stoll and his orchestra, Bing Crosby on stage. **Gross:** $23,000. (Average, $18,000.)

"ANN VICKERS" (Radio)
RKO—(2,700), 25c-40c, 2nd week, 7 days. **Gross:** $4,000. (Average, $8,000.)

"THE KENNEL MURDER CASE" (Warners)
WARNER BROS. (Hollywood)—(5,000), 25c-55c, 7 days. Teddy Joyce and his orchestra, **Gross:** $13,000. (Average, $14,000.)

"THE KENNEL MURDER CASE" (Warners)
WARNER BROS. (Downtown)—(3,400), 25c-55c, 7 days. Max Fisher and his orchestra. **Gross:** $11,000. (Average, $12,000.)

"BITTER SWEET" (U.A.)
FILMARTE—(890), 40c-50c, 7 days. Disney's "Pied Piper." **Gross:** $2,750. (Average, $2,650.)

"THE STRANGER'S RETURN" (M-G-M)
"BEAUTY FOR SALE" (M-G-M)
CRITERION—(1,610), 25c-40c, 7 days. Stage show. **Gross:** $3,200. (Average, $2,800.)

"DANCE, GIRL, DANCE" (Invincible)
LOS ANGELES—(3,000), 15c-25c, 7 days. Stage show. **Gross:** $5,800. (Average, $3,700.)

"WALLS OF GOLD" (Fox)
ORPHEUM THEATRE—(2,200), 25c-35c, 7 days, 10 acts vaudeville. **Gross:** $4,200. (Average, $4,250.)

"THE BOWERY" (20th Century)
UNITED ARTISTS—(2,100), 25c-40c, 3rd week, 7 days. Sid Grauman prologue. **Gross:** $12,000.

Court Rules Greve May Be Questioned

Federal Judge Mortimer W. Byers in Brooklyn yesterday ruled that William M. Greve, former president of New York Investors, Inc., may be examined prior to the hearing on application for his removal as trustee in the case of the Allied Owners Corp. bankrupt affiliated of New York Investors. The application for the right to examine Greve was made by Archibald Palmer, attorney for a group of bondholders. Greve's connection with Allied Owners Corp. in his capacity as head of New York Investors was cited as the basis for his removal as trustee for the bankrupt.

Theatre Changes Drop

Weekly theatre changes in the local area are showing a decided decrease, the New York Film Board of Trade reports. Generally there has been between 15 to 20 changes a week, but now the average runs between five and eight. Exhibitors have a tendency to hold on to houses because of prospects of better conditions and also because business at this time of the year is at its best.

Weigh Academy's Future As Cowan, Levinson Resign

Wurtzel Decides to Keep Studio Going

Hollywood, Nov. 8.—Even though Sol Wurtzel goes through with his proposed European trip Jan. 1, the Fox Western Avenue studio will remain in full operation until his return. Wurtzel decided today that it would be a bad move to close the plant until March 1, as previously planned, resulting in the laying off of 200 trained employes.

Wurtzel's current schedule of 20 features calls for 10 more pictures to be delivered by April 1. Five of this number will be completed before the first of the year and the balance will be in such shape that they can be completed after the first of the year in the event he does make the European trip.

As far as can be determined at this time, Wurtzel's 1934-35 program will call for 17 features, a decrease of three. Fox will make a total of 52 features for next year's program outside of a foreign quota.

Charity Drive Asks Big Studio Quotas

Hollywood, Nov. 8.—Of the $2,954,648 quota for the Los Angeles area drive for the next year's Community Chest drive $200,000 has been apportioned to the major studios. Quotas have been apportioned as follows: M-G-M, $40,000; Paramount, $35,000; Fox, $30,000; Warners, $30,000; Radio, $20,000, United Artists, including Sam Goldwyn and 20th Century, $20,000; Universal, $15,000, and Columbia, $10,000.

Quota for the miscellaneous branches of the industry, including the smaller independent studios, will be determined later in the week by the committee headed by Fred Beetson.

Joseph M. Schenck, Jack Warner and B. B. Kahane comprise the committee in charge of the major group of studios.

Bishop Defends Screen

St. Joseph, Mo., Nov. 8—Answering critics who decry the influence of films on children's habits and morals, Rt. Rev. Charles H. LeBlond, recently consecrated Catholic bishop of St. Joseph, asserts the charges are greatly exaggerated.

Change Powell Title

Hollywood, Nov. 8.—William Powell's next for Warners, "King of Fashion," is now "The Fashion Plate."

(Continued from page 1)

ernors had decided to let matters ride until the organization was in a stronger position.

Levinson said he was resigning because he was in agreement with Cowan's ideas on the Academy one hundred per cent.

"After several years' groping," he said, "I definitely believe there is no room for technicians in the Academy and I not only resign as an official of that organization but as a member as well."

Since Levinson is the dominating factor in the technicians' branch, his resignation is taken as indicating a general walkout of technicians, leaving in the Academy only directors and producers who, it is believed, will not string along since the former have secretly been forming a guild of their own and the latter have their own organization.

The Academy has cut its office staff to three, having laid off 10 persons, some of whom have been with it for five years.

Cowan has left Hollywood for a rest.

Coast Houses Face New Labor Problem

Hollywood, Nov. 8.—De luxe houses are giving two-week notice to stage hands and musicians as a result of the new wage scale submitted by both unions. Musicians' terms are for a 20 per cent increase effective Nov. 19.

Stage hands are demanding two shifts of 40 hours, with pay set at $66.50 as against a flat scale of $50 a week for 48 hours' work. Their demands, it is said, would increase overhead more than 100 per cent at deluxe and vaudeville houses. If the unions prove unable to iron out difficulties before the two-week notice expires, there is a possibility theatre operators will adopt a policy of straight pictures.

Enjoined from Picketing

Kansas City, Nov. 8.—Operators' union here has been enjoined by Circuit Court from picketing the suburban Sun Theatre. The owners contend they are operating the machine themselves.

Skouras in St. Louis

St. Louis, Nov. 8.—Spyros Skouras is here conferring with Lon Cox, in charge of Skouras interests. Skouras leaves for New York tomorrow.

Looking Over Shorts

(Continued from page 8)

Here she again meets Lawton, who owns the vessel, but he promises not to give her away. However, the star, who is being impersonated, hears of the duplicity and orders her agent to unmask the imposter. Through the benevolence of Lawton this is averted, but not after the heroine misunderstands the hero's true intentions.

The whole affair is straightened out when Lawton reveals himself as an author and son of a prominent publisher gathering material for his next book. It is pleasing entertainment.

Cochrane Says Japanese Like Our Pictures

Sentiment against the United States is affecting the market for American pictures in Japan "not a bit," declared Tom Cochrane, Paramount representative in that country, in an exclusive interview with Motion Picture Daily yesterday.

"As long as good pictures are shipped to Japan the country will use them," said Cochrane. "The Japanese do not allow any animosity they may bear us to interfere with their enjoyment of a good American picture."

American films, according to Cochrane, are highly popular with the Japanese, whom he pictured as a people crazy about screen entertainment. To meet the needs of the Japanese fans 500 to 600 feature pictures are turned out by the native studios alone in a year, it was estimated by him.

Cochrane said that while our films are in great demand in Japan, the people's first choice is for the product of their own studios. It was hinted the reason for this is the persistence of tradition in Japan, a tradition that has its roots in the heraldry of the feudal system of the old Japan. Such, he added, is not so much the case in the cities as in the rural districts, where American films, tending to clash with this jealously-preserved tradition, are not so readily understood by the people.

The problem of sound is solved in Japan by the employment of superimposed titles, Cochrane said. The films are screened in the native theatres just as they are in America. Nothing is taken away and the only thing added is the superimposed titles, which, running up and down, appear on the dark areas of a film regardless of where those dark areas may be. This arrangement has generally done away with the use of narrators in Japanese theatres, said Cochrane.

No Japanese picture program contains less than two feature pictures, according to Cochrane, who said that three-feature programs are not uncommon.

"The people there," he said, "want a lot for their money. They don't care how long the show runs."

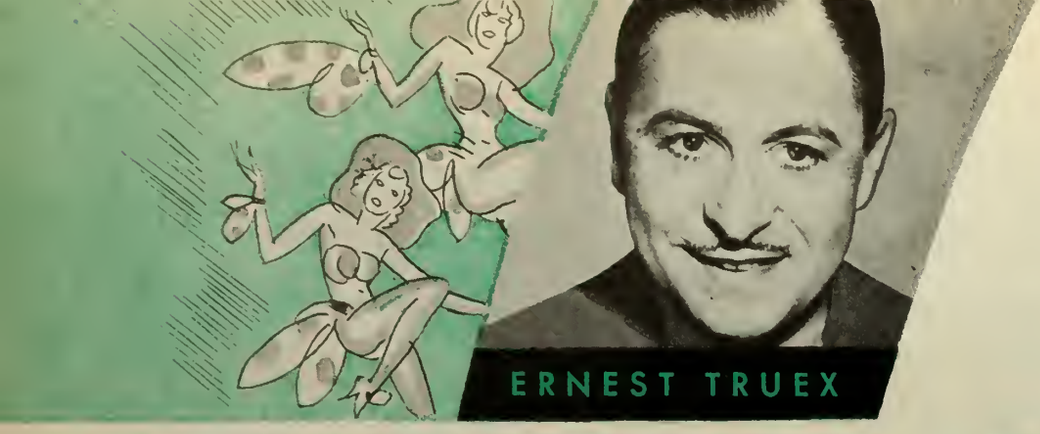
The Japanese do not get a chance to see sexy pictures because all films are severely censored in Japan, Cochrane asserted, adding what they favor in screen entertainment is "anything bordering on sensation and mystery." However, he said, if a picture is good the Japanese care little what type it may be.

Levee Seeks Howard

Hollywood, Nov. 8.—Mike Levee, business manager for Mary Pickford, was eastbound tonight to discuss with Gilbert Miller plans to have Leslie Howard do some film work for Radio and Warners. The actor is under engagement to appear in a Broadway play for the producer.

Gibson, Jones to Tour

Hollywood, Nov. 8.—Hoot Gibson and Buck Jones are planning barnstorming tours. Gibson expects to open at the local Pantages in Dec.



ERNEST TRUEX

NAMES

in Short

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IN ONE SEASON'S

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HELEN MORGAN

TOM PATRICOLA TOM HOWARD

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SONG HIT STORIES

THE TREASURE CHEST

AS A DOG THINKS

ROMANTIC JOURNEYS

BATTLE FOR LIFE

...nal
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...ILM CORPORATION

Educational Pictures
THE SPICE OF THE PROGRAM

Looking Over New Shorts

"The Little Broadcast"

(*Paramount*)

This short, featuring a number of popular radio headliners, is interesting musical entertainment. Arthur Tracy, the Four Mills Brothers, Donald Novis and Vincent Lopez and his orchestra are in it. Each is introduced by Roy Atwell, who is funny as a radio announcer. Running time, 10 mins.

"I've Got to Sing a Torch Song"

(*Vitaphone*)

One of the "Merrie Melodies" series, this short is mildly amusing. Its cartoon sequences are the better part of it. Spoofing the universal radio madness, it introduces in cartoon imitations some of the stars of the films and the air waves, and does it with remarkable fidelity in many instances. Running time, 7 mins.

"Stung Again"

(*Universal*)

Louise Fazenda is featured in this comedy concerning the misadventures of two couples on a forest camping trip. Their presence in the wilds is resented by a hermit who sets about getting rid of them by visiting a variety of pranks upon them, to their great discomfort. Good in spots but only mildly amusing as a whole. Running time, 18 mins.

"Betty and Bob"

(*Master Arts*)

Two radio personalities, known as Betty and Bob, appear in a sketch in which Hancey Castle, a poor girl married to Allen Lane, a rich man's son, is looked upon as an unwelcome member in the family by the boy's parents. However, when she is responsible for getting her father-in-law the business of an English financier, the attitude of the in-laws changes. Running time, 18 minutes.

"Entertainers"

(*Columbia*)

Will Mahoney is sent to a private residence to provide entertainment for a party. He makes his entrance with a mock holdup and proceeds with song and dance acts, with the assembled guests believing him to be an escaped lunatic. Arrival of the police discloses Mahoney's identity and the further information he had come to the wrong address and consequently entertained the wrong party. Deserves average comedy rating. Running time, 17 mins.

"You, I and the Gatepost"

(*Educational*)

One of the Robert C. Bruce series of "As A Dog Thinks," which holds considerable interest for the dog lover and unusual entertainment for the general fan. There are three dogs, and as they loll, prance and play around their actions are explained by a voice which does a thorough job of it. The pedigrees of the canines are also given. All in all, it is something different and worthwhile. Running time, 8 minutes.

Film News Writers' Total Down to 190

HOLLYWOOD, Nov. 8.—Renewal of press correspondent credential cards issued by the Hays office shows a slight decrease from the last quarter, which is accounted for by summer transient correspondents returning to their home base for the winter.

Total issued for the new quarter is 190, as compared to 203. Of this total 59 were issued to fan magazine writers; 22 to outside newspaper writers; 34 to the trade press; 17 to the local dailies; 11 to the wire service boys, and 47 to foreign correspondents.

1,500 Sign with Erpi

The total number of theatres signing one-year repair and replacement agreements with Erpi now stands at 1,500, reports C. W. Bunn, general sales manager. Among those who have signed are the Golden State Theatres of San Francisco, the Poli New England chain, the Walter Reade theatres in New Jersey and New York and the Crescent Amusement chain in New Orleans.

Loeb Better Now

HOLLYWOOD, Nov. 8.—Edwin J. Loeb, attorney for the Ass'n of M. P. Producers who was ill following the code deliberations in Washington, has virtually recovered.

Wittman in Miller Job

Sig Wittman is temporarily in charge of the Buffalo Universal exchange while David Miller, exchange manager, is recuperating from an illness.

Swanson Deal Off

HOLLYWOOD, Nov. 8.—Gloria Swanson and Joseph I. Schnitzer have mutually agreed to dissolve their contract with each other for one picture, leaving Gloria to seek other plans or deals.

Moffitt in Hollywood

HOLLYWOOD, Nov. 8.—John C. Moffitt, film critic of the *Kansas City Star,* is spending four weeks in Hollywood, gathering material and writing features for his paper and the North American Newspaper Alliance.

Women to Seek Ban On Terror Pictures

MILWAUKEE, Nov. 8.—A campaign to bar children from unwholesome movies has been started by the Milwaukee Women's Club with appointment of a committee to determine the possibility of state legislation. It was stated that if they are unsuccessful in their efforts to stop terror pictures from being produced, the club will work for a law prohibiting children under 14 from attending theatres.

Will Issue Bonds

WASHINGTON, Nov. 8.—The protective committee of the Stanley Theatre, Bridgeton, N. J., has been authorized to issue first mortgage six per cent gold bonds by the Federal Trade Commission under the Federal Securities Act. This is one of the first amusement issues permitted under the new law.

The flotation will cover an original bond issue of $500,000, the market value of which is given currently at $137,500. The committee is handling reorganization of the Mercantile and Theatres Properties, Inc.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 111 NEW YORK, FRIDAY, NOVEMBER 10, 1933 TEN CENTS

"Angel" Sets 2 New Marks At Paramount

Piles Up $261,650 Take In Four-Week Run

With an anticipated $55,000 gross for the fourth and last week of "I'm No Angel," at the Paramount, the Mae West picture garnered approximately $261,650 for the entire run, establishing a record for both playing time and intake for any film at the Times Square Paramount unit. The picture ended its month run last night.

For the initial week $83,450 was tallied when 184,000 paid admissions were checked in at the Paramount. This figure broke the house record for 95 weeks and came within $2,450 of

(*Continued on page 7*)

Reports Persisting On Kalmine's Shift

Reports persisted yesterday that William Goldman's successor as Warner theatre zone manager in Philadelphia will be Harry Kalmine, currently in charge at Pittsburgh. Warners assert, however, that no successor has been named.

Joseph Bernhard, general manager of the circuit, denied yesterday that I. J. Hoffman would take over Goldman's duties, temporarily or otherwise.

140 Feature Films Planned by Germany

LONDON, Nov. 9.—One hundred and forty features are being planned by German producers for the new season, according to information received here. This will be seven more than last season. Two hundred and five features were passed by the German censors in the year ended June 30, it is learned, 133 being of German make, 43 American and the balance primarily French and Austrian.

Preferred Pictures Formed; To Make 12

Preferred Pictures, Inc., has been organized by J. G. Bachmann, Joe Goldberg and David and Julius Schlein with plans set for the production of 12 features during 1934.

Bachmann was formerly a producer for Paramount and Radio and

(*Continued on page 7*)

Dollar Break Sends Up Income From the British Film Market

Break in the value of the American dollar to 61.96 cents yesterday and a consequent rise in English pound sterling to $5.15½ bolstered American film revenue from England by thousands of dollars.

Remittances from London, in many cases, are forwarded at the end of each week. The fluctuating course of the dollar obviously makes it impossible to figure exactly what the increase in the value of the British pound will be at the close of business Saturday, but the additional income is expected to be heavy.

Allied Fight On Code Seen Breaking Up

WASHINGTON, Nov. 9.—Indicating a break in the line of Allied States' opposition to the code in its present form and reconciliation of some of its units to the make-up of the code authority without Abram F. Myers, Allied general counsel, among its members, was the reported action of Nathan Yamins, head of the New England Allied unit and a member of the national organization's board of directors, in wiring his approval of the code to Deputy Administrator Sol A. Rosenblatt.

Yamins' reported approval is regarded as tantamount to a signature for the code and follows closely on similar action taken by Lester F. Martin of Allied of Iowa and Nebraska.

Prosecutor Probes Cleveland Charges

CLEVELAND, Nov. 9.—Henry Greenberger, local circuit head, was examined today by Don Hoskins, Franklin

(*Continued on page 6*)

Kuykendall Regards Code As "Flexible"

M. P. T. O. A. is not "entirely pleased" with the code in its present form but considers it a "flexible" pact which can be corrected if inequities develop under it, Ed Kuykendall, president, said yesterday.

"There are some provisions which we hoped to get into the code that are not in it," Kuykendall said. "However, the M. P. T. O. A. feels that if the code operates to put anyone out of business it will be changed promptly. It's only the title, and the picture hasn't gone into work yet. In our opinion, no fair minded person or organization, sincere in attitude, has anything to fear from it."

Kuykendall came here from Washington yesterday where he conferred

(*Continued on page 6*)

Hertz to Testify At Para. Hearing

John Hertz, former chairman of the Paramount finance committee, now associated with Lehman Bros.,

(*Continued on page 7*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Blood Money"

(20th Century-U. A.)

HOLLYWOOD, Nov. 9.—"Blood Money" has the elements of good picture values, but only a modicum of sympathy.

The story visualizes the sordid activities of Bill Bailey (George Bancroft), a likable big shot who acts as shock absorber between the underworld, jail, bail and freedom.

Piqued by the strange psychology of a society girl who gets a thrill

(*Continued on page 6*)

Code Shelved Until Return Of Johnson

Col. Lea's Action Follows Talk with Johnson

WASHINGTON, Nov. 9.—No further action will be taken by Colonel W. R. Lea, acting recovery administrator, with respect to the film code until General Hugh S. Johnson returns to Washington next week.

Decision of Lea to lay the code aside was reached, it is understood, after he had laid the whole situation before Johnson over the long-distance telephone.

Lea's dissatisfaction with the code is hailed by independent exhibitors as a forerunner of major changes in their behalf, but in less interested circles it is believed that the acting administrator desires merely to make sure that no injustice is done in the code. He is not familiar with the intricacies of the situation which has kept the industry and the Administration excited for three months, and is represented as being anxious that General Johnson

(*Continued on page 6*)

Schlaifer Rejoins U. A. Sales Forces

L. J. Schlaifer yesterday returned to the United Artists sales roster after a two-year absence, during which he was associated with Universal and Bryan Foy Prod. His new post will be special sales representative working out of the home office.

When Schlaifer left United Artists to join Universal as general sales manager, he was western division manager with headquarters on the coast. He is now working under Al Lichtman, vice-president and general sales manager of U. A.

Spy Stories Start New Picture Cycle

HOLLYWOOD, Nov. 9.—Latest picture cycle has to do with spies, mostly women. This has caused some changes in studio schedules.

Warners, as a result, have ordered worked rushed on "British Agent," Bruce Lockhart's story which Robert Presnell and Pierre Collings are adapting. The picture will star Leslie Howard, who is now in London doing a play. Howard will visit Rus-

(*Continued on page 7*)

MOTION PICTURE DAILY

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Takes Cleveland House

CLEVELAND, Nov. 9.—Nat Wolf, Warner Zone manager, and C. R. Morley and Charles Doty of the Hippodrome Operating Co., today completed negotiations to take over the Hippodrome on a 10-year lease Nov. 21. It is probable straight pictures will be the policy, with "The World Changes" the opener. Product includes Warners, Fox and Columbia first runs. William Watson continues as manager. The Lake, present Warner downtown outlet, will continue its first run policy, playing day and date with the Uptown and the Variety.

Sam E. Morris Returns

Sam E. Morris, vice-president of Warners in charge of foreign sales, returned yesterday on the *Rex* after a six-week business trip in Europe. He visited London, Paris, Amsterdam, Barcelona and Rome.

More Join Guild

HOLLYWOOD, Nov. 9.—The Screen Actors' Guild has accepted the membership of Katharine Hepburn, Nils Asther, Lona Andre, David Torrence and Robert Young.

Insiders' Outlook

TEETH, many and sharp, bristle in the executive order establishing an imports division in the NRA. How the President may crack down any effort on the part of the Hollywood disgruntled to shake off Gold Coast dust and produce abroad is made quite clear in the general principles under which the regulations will work. For instance, the section empowers the President to control all imports which tend to endanger the aims of recovery codes and agreements. Not much restriction there. The trend of imports in any industry may be investigated merely by Presidential say-so. Imports may be restricted or stopped through the simple expedient of first making it necessary to obtain a license through the Secretary of the Treasury. It's a cinch that, if for some reason the secretary no like, there will be no license. . . .

▼

Also get a load of this: "Harmful foreign competition"—a pretty broad term—will be submitted to Administrator Johnson on its way to the White House. Then will come the decision to permit importations of the commodity, films or otherwise, or not. The inferences, therefore, become quite clear. If a salary check in the code leads to the idea of making pictures abroad, their importation may be blocked through the NRA's new strong arm. You would gather then that, disgruntled or otherwise, the Hollywooders will remain in Hollywood, wouldn't you? That's correct. . . .

▼

Delay over the code is leaving its mark on sales and that goes despite what you may hear. What's happening is this: Some exhibitors, leaning to the code as an excuse, are holding out on new deals in the hope their delay will influence distributors into the lower rental brackets. Around, too, are stories some theatremen, number unknown, are piling up hours on help beyond the provisions of the President's blanket agreement and the maximums set in the proposed code. . . .

▼

Demonstrating, in the event there can be any doubt about it, how times have changed is the latest Loew financial statement. The company, still heavily in the black, a gross theatre film business of $116,201,937 in good old '29 and jumped to $129,521,029 in '30. The following year recorded $120,479,511, but it was in '32 that the full impact of the cumulative effect of the depression reflected itself. In that year, gross sagged to $107,416,036, and in '33 to $80,772,191. Another way of looking at it: income shrinkage of $48,748,838 currently as compared with '30. The net, naturally, went the same way. In '29, it was $11,756,956. In '30 the figures went blacker at $14,600,332. Thereafter came the decline to $11,829,994 to $7,961,-314 to $4,034,289. And there you have an idea of how it's been going. . . .

▼

Weeks ago when it looked as if the Four Marxes would release through U. A., Gummo, otherwise known as the Fifth Marx, stepped out of merchandising into films. Later, he went to the coast and didn't appear quite so regularly around the Godfrey Building. Now, he's around the U. A. office again and the natural question is why? The answer is because, while the Marxmen are talking very seriously to Paramount on a new picture deal, they also may be talking to United Artists. . . .

KANN

Universal Gains Three Points

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23⅛	22⅞	22⅞	— ⅛	600
Consolidated Film Industries, pfd	9⅝	9½	9⅝	+ ½	100
Eastman Kodak	76½	74¾	75	+ ¼	1,500
Eastman Kodak, pfd	126¼	126¼	126¼	—1⅜	5,000
Fox Film "A"	15	14½	14½	+ ¼	500
Loew's, Inc.	31¼	29¾	29⅞	— ⅜	3,400
Paramount Publix	1¾	1¾	1¾	— ¼	300
Pathe Exchange	1⅜	1¼	1⅞	+ ⅛	300
Pathe Exchange "A"	8½	8⅜	8½	+ ⅛	1,100
RKO	2⅜	2¼	2⅜	+ ¼	200
Universal Pictures, pfd	20	19¾	20	+3	4,000
Warner Bros.	7⅛	6¾	6¾	— ⅛	23,600

Technicolor Off Five Eighths

	High	Low	Close	Net Change	Sales
Technicolor	11⅛	10⅞	10⅞	— ⅝	1,200

Warner Bros. Up One and Quarter

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	4	4	— ⅜	1
Paramount F. L. 6s '47	27½	27½	27½	.....	4
Paramount Publix 5½s '50	27½	27½	27½	.....	1
Warner Bros. 6s '39, wd	41¾	40	41¼	+1¼	47

Purely Personal

EDDIE CANTOR arrives in town from the coast Sunday. He will resume his radio broadcasting the following Sunday. Later he will return to Hollywood to make another film for Samuel Goldwyn.

SPYROS SKOURAS returns today from St. Louis, where he has been conferring with LON COX.

HOWARD HUGHES, reported due in New York earlier in the week, has not made an appearance as yet.

H. B. WARNER, the actor, has returned from London to resume picture work on the coast.

Cowan, Levinson Hit For Leaving Academy

HOLLYWOOD, Nov. 9.—Denying film technicians intend forming their own guild, Major Nathan Levinson, who resigned yesterday as executive chairman of the technicians' branch of the Academy of M. P. Arts and Sciences, jointly with Lester Cowan, said today the plan is to set up a research bureau to carry on the same work accomplished by the Academy. If the thing goes through producer capital will be called upon.

Commenting on the resignations, B. B. Kahane said he could not understand why so much importance was set on Cowan's move. Waldemar Young declared the Academy could carry on without politics and "soreheads." Darryl Zanuck referred to Cowan as "a capable executive but a fall guy for many people." Howard Green called Cowan's resignation "a disgrace." No comment came from J. Theodore Reed, head of the Academy.

Green has called a meeting of the board and the executive branch heads for tomorrow.

McFarland to Sell Columbia's Shorts

J. W. McFarland has been placed in charge of Columbia short subject sales, a newly created post under Abe Montague, general sales manager. McFarland was formerly engaged in promotion work for Columbia and was eastern representative for Walt Disney for a number of years.

Brown Goes to Coast

George Brown, advertising and publicity head of Columbia, left last night for the coast on a hurry call. He arrives there Monday and, according to present plans, expects to fly back, returning Nov. 19.

Plans Goldman Dinner

PHILADELPHIA, Nov. 9.—Local film men are planning a farewell dinner for William Goldman, who resigned as Warner theatre zone manager earlier this week.

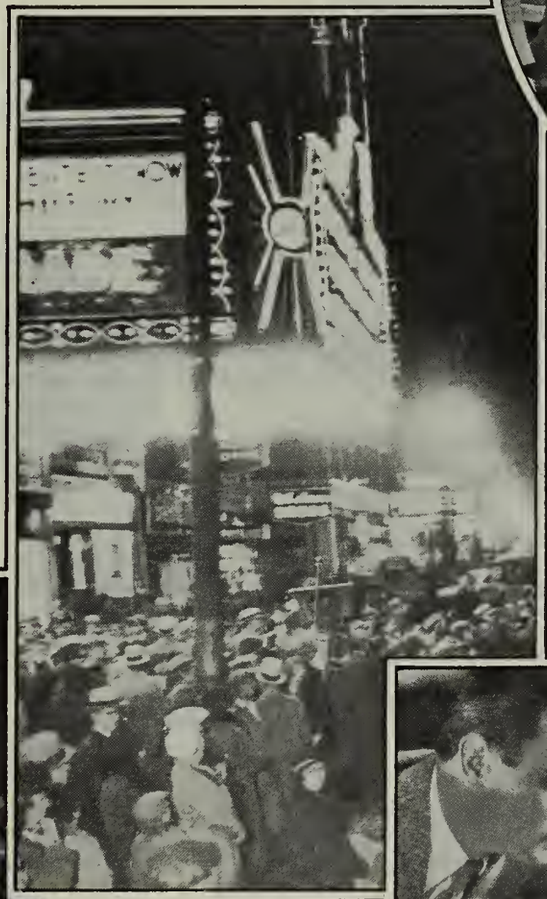
Krumgold With M-G-M

Joseph Krumgold, formerly with M-G-M and later with Paramount on the coast, has rejoined the first company to assist in production abroad.

NEWS OF WEEK IN PHOTO-REVIEW

HERE SHE IS, MEN! Warners expect beaucoup results from exotic importation, Kathryn Sergava, whose first role will be opposite Warren William in "Bedside."°

VISITING FIREMAN on "Dark Hazard" set is chief Ed Wynn, on lookout for flames during Robinson-Tobin love scenes in W. R. Burnett's book-of-the-month now filming.°



ROUSING RETURN of William Powell as Philo Vance in "Kennel Murder Case" prompts immediate purchase by Warner Bros. of "Dragon Murder Case," latest story hit by S. S. Van Dine.*

3RD MUNI WEEK registered by N. Y. Hollywood as trades report sock business for "World Changes" in St. Louis and Boston openings.°

COAST TO COAST MARCH of "Footlight Parade" records adds Philly, Seattle, Rochester, Cincy to endless chain of greater-than-"Gold Diggers" grosses.*

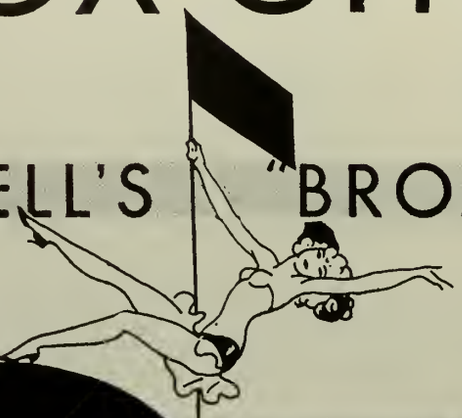
'WISE, SMART AND SAUCY' is *N. Y. Mirror's* praise for "Female" at Strand as *Variety* reports Detroit's Michigan "going strong" with Chatterton's biggest show.°

LITTLE BOY 'BLUE' awarded three-year contract for Vitaphone Short series as Warners win producer race for Ben Blue, noted vaude and radio funnyman.

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

DOUGH • RE • ME IN THE BOX-OFFICE

WALTER WINCHELL'S "BROADWAY THR



IN MUSICAL ENTERTAINMENT

"Color, excitement — bright — racy — witty, Winchellian — grand entertaiment."
— *Daily Mirror*

DARRYL F. ZANUCK PRODUCTION PRES

WITH THIS GREAT CAST Consta

"Grand eye and ear entertainment."
— *Evening Journal*

Blossom SEELEY • Gregory RATOFF • Texas GUINAN

A KEYHOLE" STRIKES A NEW HIGH NOTE

IT'S THE SECOND BIG

TED BY JOSEPH M. SCHENCK

e CUMMINGS • Russ COLUMBO • Paul KELLY

ances WILLIAMS ABE LYMAN AND HIS BAND

RELEASED THRU
UNITED
ARTISTS

20th CENTURY PICTURES, INC.

Code Shelved Until Return Of Johnson

(*Continued from page 1*)

personally shall take charge of the matter.

Apparently impressed by the arguments presented last week by independent exhibitors with whom he conferred, Colonel Lea appears desirous that the code shall receive careful scrutiny so that it may not later be charged that it was unduly adverse to any group in the industry. It has been consistently demanded by administration officials that every group in an industry shall have its day in court and that its presentation shall be thoroughly studied.

With the code thus temporarily shelved, it is not believed it will go to the President for approval before he leaves for his Thanksgiving vacation at Warm Springs, Ga., Nov. 17. While General Johnson will return to Washington probably on Nov. 14, he will find many matters demanding immediate attention, with little likelihood that he will be able to spare the time required to go over the film code. However, the President, although out of the city, will not entirely divorce himself from his work and it is probable that if he does not get the code before he leaves Washington it will be sent to him at Warm Springs and there approved. On the basis of present conditions, therefore, it is not likely that the agreement will go into effect until the early part of December.

Gains in Burlesque Told at Code Hearing

WASHINGTON, Nov. 9.—Burlesque is staging a comeback and there is a shortage of talent, it was brought out today at the hearing on the recovery code for the industry before Deputy Administrator Sol A. Rosenblatt.

According to Paul Weintraub, associate counsel for the National Burlesque Ass'n of America, one producer had to send to the Pacific Coast, apparently Hollywood, to get girls to fill his chorus.

The code provides a minimum of $40 a week of 52 hours for motion picture operators and musicians. But it was urged by William C. Elliott, president of the I.A.T.S.E., that the maximum week be reduced to 40 hours, which, he said, would increase employment by 45 to 50 per cent.

Freuchen Describes Making of "Eskimo"

Peter Freuchen, author of "Eskimo," yesterday gave the A. M. P. A. the lowdown on how the M-G-M picture was made in the Arctic and Antarctic. Capt. Volney Phifer, who has been touring with Leo, the M-G-M living trademark, also spoke and exhibited two penguins which appear in "Eskimo." Ann Ronell of "Who's Afraid of the Big Bad Wolf" fame, entertained with a rendition of the number.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page 1*)

out of knowing and associating with underworld characters, Bailey eases away from his mistress, takes up with a new girl to find his old flame's brother, an alleged bank robber, stepping out with the peach also. Complications ensue when Bailey goes copper, thinking himself double-crossed by the boy, who is out on his bail bond. His former mistress puts the underworld finger on him.

In spotlighting malicious bail bond practices, the story scatters its human fire, although the film moves with power and vitality in the early reels.

After nearly two years' absence from the screen Bancroft renders a creditable performance. Frances Dee turns in an expert rendition of Judith Anderson's work with little chance to emote. Chick Chandler handles his first dramatic role well. Blossom Seeley is swell in a singing bit.

Rowland Brown's direction is always imaginative and virile and reveals the drama with distinctive twists, ironical flashes and cynical hokum laughs. What the story lacks in emotional impact and heart interest is made up in strength.

Where Bancroft is still a draw and where newspapers will go for the bail racket exploitation, "Blood Money" has box-office possibilities as a good program picture.

Looking 'Em Over

"College Coach"

(*Warners*)

First-class humor keeps this story running entertainingly between the football sequences. Unlike a lot of the football pictures of recent years, it is the story of a coach's ruthless methods rather than the emotional problems of the players themselves.

Pat O'Brien, who devotes all his time to getting publicity, inventing ways of winning games, whether fair or questionable, digging up semi-professionals and getting them through their examinations, nearly loses his wife to one of the players because she is annoyed by his lack of attention.

When she finds her husband's career at stake in a crucial game, she sends the boy friend back into the game in spite of everything. Ann Dvorak as the wife is practically the only feminine interest in the picture, and she does a very good job of it. Dick Powell and Lyle Talbot, as the star athletes, make the football angles seem real.

It's timely and decidedly robust. Football fans with a cynical slant on some phases of college athletics will probably go for it, but its appeal for women customers is weak.

A. D. Rosen Demands Allied Retraction

DETROIT, Nov. 9.—Adrian D. Rosen, attorney for Lew Kane of the Mayfair and A. Ruttenberg of the Isis and leader in the formation of a Detroit exhibitors' organization, today made formal demand under the Michigan libel laws for an unqualified retraction from Allied and H. M. Richey, its business manager, for allegedly defamatory statements made against him in its bulletin of Nov. 1, which is said to have referred to him as "one small Detroit attorney."

Rosen yesterday appeared before the directors of Allied as representative of the new exhibitor group and demanded the removal of Richey and of all directors also serving on the board of Mid-States, an affiliate of Allied. Rosen gave notice that if no answer were forthcoming within 10 days he would definitely go ahead with plans to organize the new organization on a permanent basis.

Littlefield Denies Speaking for Allied

Walter B. Littlefield, Boston exhibitor, and a member of the Independent M.P.T.O. of New England, an Allied affiliate, denies that Allied had any connection with the recent meeting of the Massachusetts Civic League, at which he was one of the speakers.

He was there and spoke, he says, "as the only exhibitor in Boston who had been in Washington as late as early October."

The league went on record in favor of changes in the code to cover block booking, blind buying, the right to buy and tying in of shorts with feature sales.

Gersdorf Pinch-Hitting

HOLLYWOOD, Nov. 9.—Phil Gersdorf will take over the duties of Lynn Farnol, publicity representative for Samuel Goldwyn, when Farnol leaves for a three months' trip to New York.

Kuykendall Regards Code As "Flexible"

(*Continued from page 1*)

with NRA officials on matters pertaining to NRA administration in Mississippi, where he is state administrator. He plans to remain until the first of next week and will formulate plans for this year's national M.P.T.O.A. convention while here.

In the next few weeks Kuykendall will attend 12 meetings of regional exhibitors' organizations which are slated to act on the code. He said of five such meetings already held, all have resulted in ratification of the code.

Prosecutor Probes Cleveland Charges

(*Continued from page 1*)

County prosecutor, regarding a report that the Cleveland M. P. Exhibitors' Ass'n had spent $10,000 to defeat the recently enacted Ohio amusement tax.

Senator William H. Herner was indicted last week on a charge of having solicited a $1,500 bribe while the bill was pending in the Senate.

Greenberger is said to have admitted that he recently stated the association had spent the $10,000, but explained that during the excitement of the moment he had failed to make plain that this amount covered a period of years as well as all Cleveland expenditures.

George W. Erdmann was also interviewed. He volunteered to furnish the prosecutor with a financial statement in the form of an affidavit by Nov. 12. Erdmann remarked to the prosecutor: "Unlike any other business, exhibitor organizations generally contain many members quite irresponsible for word, deed and action."

Ohio Independents To Organize Today

COLUMBUS, Nov. 9.—Permanent organization of the new independents' group under the name of the Independent M. P. League of Ohio is expected at a meeting to be held here tomorrow.

Officers will be elected and a constitution adopted. Ernest A. Schwartz, president of the Cleveland M. P. Exhibitors' Ass'n, is temporary chairman.

An immediate fight on the 10 per cent tax is planned.

Chase Deals in Fox Will Be Aired Today

WASHINGTON, Nov. 9.—Operations of the Chase National Bank and its investment subsidiary, the Chase Securities Corp. in Fox and General Theatres stocks will be studied tomorrow by the Wall Street investigating committee of the Senate

Albert H. Wiggin, former president of the bank, is expected to appear before the committee to discuss the handling of these stocks.

"Angel" Sets 2 New Marks At Paramount

(*Continued from page* 1)

"Finn and Hattie," which garnered $85,900, with Maurice Chevalier on the stage.

Tally for the second week's run was $68,200, followed by a gross of $55,000 for the third stanza. Paramount was considering holding the picture a fifth week, but because of the congested playdates as a result of holding it a month, it was decided to catch up on releases.

Before the West picture was definitely booked into the Paramount, Boris Morros, managing director, put up a stiff fight prior to a switch in the original Rivoli booking. According to an agreement between Paramount and United Artists, made at the time the latter took the Rivoli from Paramount, U. A. entered into a deal for three Paramount releases this season. "I'm No Angel" was one of the trio selected, but due to a number of U. A. releases on hand, it was agreed not to hold up the West film and to date it into the Times Square house. U. A. at the same time canceled "The Way to Love" and decided to take "Duck Soup." The Four Marx Brothers' picture is now the center of a controversy similar to "I'm No Angel."

Spy Stories Start New Picture Cycle

(*Continued from page* 1)

sia with completion of his engagement, where he will study local atmosphere.

B. P. Schulberg's "Reunion," announced as his first for Paramount following his return from Europe, has been temporarily called off.

The reason is that when he first planned the film in March the picture was the first woman spy story on studio programs in five years. At present, however, the film would complete a cycle of stories of the same calibre. Schulberg considers the story too good for immediate production under the circumstances.

"Good Dame" an original by William Lipman has been moved up into first place on the schedule. Sylvia Sidney will be starred and Marion Gering will direct.

Marie Dressler Fete Draws Film Leaders

HOLLYWOOD, Nov. 9.—Approximately 500 film personalities tonight attended the 62nd birthday celebration of Marie Dressler at the M-G-M studio. The event was broadcast over the NBC national network in the United States and also to Europe and England.

Louis B. Mayer was toastmaster and Pete Smith acted as master of ceremonies. Governor James Rolph, Mary Pickford, Norma Shearer, Lionel Barrymore, Polly Moran, Jeannette MacDonald, Nelson Eddy and Jimmy Durante were among the entertainers and speakers.

Huffman Experimenting With Day and Date Runs

DENVER, Nov. 9.—Another try at day and date pictures at the Aladdin and Denver is being made with "Footlight Parade," which started its run at both houses today. Since Sept. 7 three other films have been run simultaneously at both houses, mostly with good results with the exception of the last one, "Broadway Thru a Keyhole."

"Broadway Thru a Keyhole" grossed $3,500 at the Aladdin, with an average of $3,000, while at the Denver the gross was only $4,500, against an average of $6,000. Possible explanations are seen in the fact that the Aladdin is located two miles from the downtown section, where it is easier to secure parking space. There is also a differential in prices. Top price at the Denver is 50 cents, while at the Aladdin it is 40 cents, with the exception of a number of loges at 50 cents.

"Masquerader" did much better in proportion at the Aladdin than at the Denver. "The Bowery," the second of the day and date films recently at these houses, also did much better at the Aladdin than the Denver.

The differential has been maintained as an experiment. Harry Huffman, managing director, also figured each house had pretty much its own clientele, which would go to whichever theatre suited its fancy regardless of price. The probabilities are that if the grosses on "Footlight Parade" are as widely separated as they were on "Broadway Thru a Keyhole" it will mean that no more features will be run day and date, or that the prices will be the same in both houses.

Start Trips Soon

Herman Wobber is in New York from a Fox sales trip. He and John D. Clark, general sales manager, expect to jointly visit Boston over the week-end, spend all of next week dropping in on nearby exchanges and then take in wider territory, probably terminating on the coast.

Johnston Goes to Canada

W. Ray Johnston, Monogram president, left last night for Toronto to confer with Oscar Hanson, head of Empire Films, Ltd., on the deal whereby Hanson takes over Monogram distribution in the Dominion.

Johnston was accompanied by Edward Golden, general sales manager.

Hertz to Testify At Para. Hearing

(*Continued from page* 1)

downtown banking firm, will be placed on the stand at a resumed meeting of Paramount Publix creditors before Referee Henry K. Davis today. Attorneys for the Paramount Publix trustees in bankruptcy will begin the examination of Hertz and creditors' attorneys may follow with their own examination. It is at the request of Saul E. Rogers and Samuel Zirn, counsel for Paramount Publix bondholders' groups, that Hertz is being placed on the stand.

Preferred Pictures Formed; To Make 12

(*Continued from page* 1)

several years ago was associated with B. P. Schulberg and Al Lichtman in another Preferred Pictures. Bachmann is president, with Goldberg as vice-president, David Schlein as treasurer and Julius Schlein as secretary. Goldberg was former general sales manager for Columbia.

Bachmann is on the coast preparing to start the first feature. Sales have been set, the company states, in New York, Albany, Buffalo, Philadelphia, Washington, Boston, New Haven, Los Angeles and San Francisco.

"Beautifully enacted and produced 'A Man's Castle' is a romance belonging in the popular category of 'Seventh Heaven.'" Screen Book

THE MOST GLORIOUS LOVE STORY SINCE "7th HEAVEN"!

A Man's Castle

A FRANK BORZAGE Production

with SPENCER TRACY — LORETTA YOUNG

Screen Play by Jo Swerling

From the play by Lawrence Hazard

A COLUMBIA PICTURE

A Screen Guild Picture

DOROTHEA WIECK

in "CRADLE SONG"

. . . . if it's a
PARAMOUNT
PICTURE
it's the best
show in town

a PARAMOUNT PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Code Is Delayed by Cut In Wage Classifications

Allied Ousts Lester Martin For Code O.K.

Yamins Wires He Has Not Signed Document

WASHINGTON, Nov. 10.—Lester F. Martin, business manager of Allied of Iowa and Nebraska, today was dismissed from the national association on a charge of disloyalty, ordered to discontinue the use of the name Allied in his territory and to inform his members he "had no further connection with this association."

L. F. Martin

Abram F. Myers, general counsel of Allied, so advised Martin by wire on authority of the board of directors. The break is the first important one in the Allied line.

Myers, at the same time, released copies of a wire received from Nathan Yamins in which the Allied leader from New England denied he had signed the proposed code.

In his wire to Martin, Myers said: "In pursuance of motion made at Allied board meeting in Chicago, Oct. 24, that Allied franchises in your

(*Continued on page 4*)

B. F. Keith Reports Net Loss $354,038

B. F. Keith Corp. and subsidiaries report a net loss of $354,038.53 for the nine months ending Sept. 30. This compares with a net profit of $457,178.86 for the same period last year.

The report shows there was a profit of $326,493.37 from operations, but this was cut to a loss by an allowance of $680,531.90 for depreciation and amortization.

Actors Deny Holding Unionization Ideas

HOLLYWOOD, Nov. 10.—Indications that the Actors' Guild has no intention of converting itself into a union is seen in a statement to the effect that the guild has no idea of seeking affiliation with the American Federation of Labor.

Mae West, Clark Gable, George Arliss, Sally Eilers, Donald Cook and Hoot Gibson are latest members.

Hertz Relates Tale of Para. Finance Deals

John Hertz, Chicago financier, now associated with Lehman Bros., Wall Street banking firm, took the stand at an adjourned meeting of Paramount Publix creditors before Referee Henry K. Davis yesterday and, always hesitantly and frequently cautiously, related what he remembered of the major financial and corporate transactions in which he participated as chairman of the company's finance committee during the 14 months immediately preceding the Paramount receivership and bankruptcy.

Despite the fact that Hertz's testimony was incomplete in many phases

(*Continued on page 3*)

Query Market Value Of N. Y. Investors

The hearing into the affairs of New York Investigators, Inc. was continued yesterday before Special Commissioner Frederick S. Martyn in Federal Court, Brooklyn. Albert Young, representative of a firm of accountants, was asked to explain why the open market value of the concern's stock had jumped from $14,000,000 in Sept. 1929 to $42,000,000 in December of that year.

Young, representing the firm of Stagg, Mather and Hough, accountants for New York Investors, Inc. said he could produce books and records bearing on the matter and was excused to permit him to bring these records to the hearing later.

It's a Nifty

Kelcey Allen comes to bat with the gag about the bank which was giving out passes to theatres with each new account.

When a new depositor was called over by the clerk after making his initial payment, he was asked:

"Which one of our shows do you want to see?"

Projector Co. Stock Written Up—Clarke

WASHINGTON, Nov. 10.—Value of the common stock of the International Projector Corp. was written up approximately $26,000,000 when the company was taken over by General Theatres Equipment Corp. in August, 1929, it was revealed today by Harley L. Clarke of Chicago before the Senate Wall Street investigating committee. It was through General Theatres that Clarke acquired control of Fox Films and Fox Theatres in 1930.

Revelations brought out by Clarke's testimony today were the outgrowth of

(*Continued on page 4*)

Publicity Clauses May Go Into Pacts

HOLLYWOOD, Nov. 10.—Because of a general reluctance toward cooperating with studio publicity departments on

(*Continued on page 2*)

Johnson Order Restricting Their Number to Four Revealed

WASHINGTON, Nov. 10.—Reduction of the wage classifications in the production section from 58 to four was today disclosed as the stumbling block which is keping the film code from final approval.

Retention of the code by Colonel W. R. Lea, acting recovery administrator, it has been learned, was due to an order issued some weeks ago by General Johnson that in the preparation of codes minimum wage scales only should be stated and there should be no classification of wages by operations or jobs. Where necessary to classify work, it was ordered there should be not more than four classifications.

As originally submitted, the film code contained specific wage rates only for labor having contracts and carried no specific minima for the unskilled branches but had a general provision with regard to such workers. The long list of wage rates now in the code was inserted by Deputy Administrator Sol A. Rosenblatt at the instance of labor representatives in the belief that by so doing he was acting in the interests of all con-

(*Continued on page 4*)

Sees Codes Ruling Trades for Years

WASHINGTON, Nov. 10.—Codes now being adopted by industries will be the law of those industries probably for years to come, it was declared today by Deputy Administrator Whiteside.

Opening a hearing on a code for retail jewelers, Whiteside asserted that Recovery Administration officials expect that even though the Recovery Act may terminate the codes, which, under the act, have all the force of law, will be continued indefinitely.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Dancing Lady"

(M-G-M)

HOLLYWOOD, Nov. 10.—"Dancing Lady," with the attraction and the power of names of Joan Crawford and Clark Gable and others, should be box-office.

The production is opulent and luxurious and gorgeously mounted,

(*Continued on page 4*)

Cullman Now Admits Roxy Deal Discussed

Howard S. Cullman, receiver for the 7th Ave. Roxy, yesterday for the first time admitted that bondholders had been considering a plan which

(*Continued on page 2*)

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WE DO OUR PART

A Gem

"LITTLE WOMEN," produced by RKO, is fine enough and beautiful enough to belong to the whole picture business. It will beat down censorship arguments, bring new patrons to theatres and, if not that, certainly return many stragglers to the fold.

Wholesomeness and simplicity, twin characteristics which once meant something to the industry, return here and, as those who never doubted it have known all along, re-establish their rightful place. "Little Women" is like a delicate, nostalgic something out of the past—romantic, heart-thumping and appealing.

From Sarah Mason's and Victor Heerman's adaptation of Louise May Alcott's American classic to George Cukor's direction to the highest of acting standards carried principally by the talented Katharine Hepburn, this Radio picture is an entertainment gem and a production achievement. KANN

David Loew Not to Tour with Brother

Due to the illness of his wife, David Loew will not accompany his brother, Arthur, on a world tour by air. Arthur yesterday left by train for Galesburg, Ill., where he will meet his wife who is visiting relatives there and then go to Kingman, Ariz. From there he will fly to the coast where he will sail on the *Mariposa* for Australia on Nov. 15.

Accompanying the Loews will be Joe Vogel, who will look over the theatre situation in Australia and other points.

Flash Reviews

"Tillie and Gus"
(*Paramount*)

Loads of laughs in this one with W. C. Fields....and Alison Skipworth....It's a tonic for the blues and a treat for the b. o.....Baby LeRoy again charms audiences....

"Ace of Aces"
(*Radio*)

Spectacular at times, but it presents the hero as a heartless killer seeking nothing but his personal glorification while earning the contempt of his fellow officers.

"The Way to Love"
(*Paramount*)

Light, gay throughout, with a few serious moments....and a series of ingenious gags that kept a Paramount audience chuckling—that's "The Way to Love"....Chevalier sings a song now and then, but the musical angles are subordinated to the comedy.

"The Mad Game"
(*Fox*)

The exploitation possibilities are numerous for getting the public's quick attention to this one (dealing with kidnapping)....Spencer Tracy in a virile role....elicits sympathy.

Reviews of the above pictures which opened on Broadway yesterday, will appear in detail in a subsequent issue of MOTION PICTURE DAILY.

Johnston in Toronto

TORONTO, Nov. 10.—W. Ray Johnston, head of Monogram, accompanied by Ed Golden and Morris Riskin, has arrived here in connection with distribution of his company's product in the Dominion through Empire Films.

Morris Enthused

Returning from a six weeks' trip to Warner exchanges abroad, Sam Morris is enthusiastic over the way new offices in Rome and Barcelona are operating.

Stars at N. V. A. Show

A brilliant array of talent will be on hand at the N. V. A. benefit at the Metropolitan Opera House tomorrow night. Major Edward Bowes will supervise the entertainment.

Blue Signed for 2 Years

Ben Blue has been signed to a two-year contract to make Vitaphone shorts through the agency of Leo Morrison.

Sheehan Starts First

HOLLYWOOD, Nov. 10.—The first of the productions to be made by Winfield Sheehan for Fox since his return from Europe starts today. "Carolina," a story of the South, is the title. Henry King is directing. On Dec. 4 work on "David Harum" and "Fox Movietone Follies" will begin.

Wurtzel to Hawaii Today

HOLLYWOOD, Nov. 10.—Sol Wurtzel is leaving tomorrow for Honolulu for a story conference with Robert Yost, Dudley Nichols and Lamar Trotti. The party will be away two weeks. John Stone will pinch hit for Wurtzel until the latter returns.

O'Connor Taking Leap

Johnny O'Connor, head of the RKO film buying department, today will ring out wedding bells. The lucky girl is Marie Tracy, his secretary. They will honeymoon in California, leaving tonight.

Loew Off One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22½	22¼	22½	— ⅜	300
Consolidated Film Industries	3	3	3	.....	200
Consolidated Film Industries, pfd	9⅛	9⅛	9⅛	— ½	100
Eastman Kodak	75¼	74¼	75	.....	1,300
Eastman Kodak, pfd	126⅛	126⅛	126⅛	.....	1,000
Fox Film "A"	14⅞	14⅞	14⅞	+ ⅜	200
Loew's, Inc.	29½	28⅝	28⅞	—1	1,200
Paramount Publix	1¾	1⅝	1⅝	— ⅛	100
Pathe Exchange "A"	1¼	1¼	1¼	.....	200
RKO	8	8	8	— ⅛	200
Warner Bros.	6⅞	6½	6½	— ¼	1,300

Trans Lux Drops One-Eighth

	High	Low	Close	Net Change	Sales
Technicolor	11	10½	10½	— ⅜	500
Trans Lux	1½	1½	1½	— ⅛	100

Paramount Publix Loses One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	4	4	.....	2
Keith B. F. 6s '46	46¾	46	46	— ¼	9
Loew's 6s '41, ww deb rights	83	82	82	—1¾	5
Paramount Broadway 5½s '51	30	30	30	.....	2
Paramount F. L. 6s '47	26½	26½	26½	— ⅞	5
Paramount Publix 5½s '50	28½	27	27	—1	15
Pathe 7s '37, ww	85	85	85	.....	1
Warner Bros. 6s '39, wd	41	41	41	.....	8

Publicity Clauses May Go Into Pacts

(*Continued from page* 1)

the part of contract and borrowed players, producers as a body are formulating plans to inject clauses in all future contracts making cooperation compulsory between players and the studio torch bearers.

The "I won't" feeling among players has always been prevalent in a small measure, but at times has grown to the point where players have become defiant in refusing requests made by the studio to cooperate on publicity stunts.

Drop Canadian Plan For Trans-Lux Chain

TORONTO, Nov. 10.—Project for a chain of Trans-Lux houses in Canada has been called off, according to Joseph M. Franklin, who holds the Canadian Trans-Lux theatre rights. N. L. Nathanson, who virtually controls short subject distribution in Canada, has become lukewarm on the idea.

M. P. Academy Meets; Plans to Carry On

HOLLYWOOD, Nov. 10. — Board of governors and executive heads met today to lay plans to carry on the Academy of M. P. Arts and Sciences. The resignation of Lester Cowan was accepted and Don Gledhill was named in his place as temporary executive secretary.

Cullman Now Admits Roxy Deal Discussed

(*Continued from page* 1)

would change the present management by returning Roxy to the house. At the same time he denied any such change would be made, adding that he had been advised the bondholders' committee had turned down the plan submitted as it was completely satisfied with the present policy.

Harpo Marx Delays Trip

Although he was expected to leave this week for Russia, Harpo Marx has postponed his trip until he hears definitely from his brothers in California on negotiations now under way with Paramount on a new contract. He plans to sail Nov. 17, but the date is indefinite.

Mae Takes to Air

Mae West has been signed for a series of radio broadcasts for a lotion maker at a reported $6,600 per week. She will start her air work as soon as she completes her present film for Paramount.

Lewis In From Havana

David Lewis, manager of the M-G-M branch in Cuba, is in New York for home office conferences. He'll be here for about a month.

Lichtig Leaves

Harry Lichtig of Lichtig and Englander, coast agents, ends his New York visit today and returns to Hollywood.

Hertz Relates Tale of Para. Finance Deals

(Continued from page 1)

because of his inability to recall details of Paramount's 1932 refinancing plan and the corporate reorganization of the same year which resulted in the creation of a number of new subsidiaries to carry on the business of the corporation, leaving Paramount Publix, the parent organization, little more than a holding company, the financier's disclosures of his career in Paramount were none the less dramatic.

That career began auspiciously, shortly after after Sam Katz, then Publix theatre head, visited Hertz at his Florida home and invited him into Paramount, and ended dramatically shortly after Hertz visited Katz in the Paramount home offices and invited the latter to resign because his inability to reconcile himself to the company's program of decentralization was fostering an internal turmoil which threatened to result in the resignation of a number of Paramount executives.

"Anxious to Get Out"

"I was so anxious to get out," Hertz related by way of explaining his inability to recall details of several important transactions with which he was identified, "and was so relieved when I did, that I put everything associated with Paramount and with the film business completely from my mind. I never talked Paramount or pictures after leaving. That was a long time ago and I have difficulty remembering those things now."

Hertz resigned from Paramount Jan. 6 of this year.

Salient points of Hertz's testimony, elicited under questioning by Samuel Isseks, of counsel for the Paramount Publix trustees in bankrutpcy, include the following:

That Hertz on several occasions during negotiations with bankers and Paramount theatre landlords early in 1932 made the statement that the company was faced with "complete collapse," or would be, unless aid was forthcoming.

That despite whatever situations prompted the statements, and despite the fact that Hertz had wanted to resign prior to Jan. 6, and actually had had resignation statements prepared for the press by Glenn Griswold, special Paramount publicity man under Hertz, the financier's resignation was not due to his fear of an impending Paramount receivership.

That Hertz was "mainly interested" in obtaining for Paramount "by a certain time" the new 1932 bank credit, and left the details of the transaction, once the credit had been obtained, to others. The "details" of the transaction involved the creation of Film Productions Corp. and the assigning to it of title to 13 uncompleted negatives, which were pledged to secure the new credit, which was in turn made available to Paramount Publix by the new corporation. Paramount trustees have instituted suit to set aside this transaction as constituting a preference for the creditor banks.

That Leo Spitz, executive advisor in Paramount management affairs during the Hertz regime, was the author of the company's corporate decentralization plan, which led to Katz's resignation after the latter had, seemingly, accepted the idea while at the Paramount studios in Hollywood. Katz, Hertz related, offered no active opposition to the decentralization program until after he returned to New York. Spitz, he said, was understood to be acting as assistant to Katz until the latter went to the coast; whereupon Spitz took over Katz's duties in the east.

That the formation in Delaware in 1932 of the operating subsidiaries of Paramount Publix, such as Paramount Pictures Distributing Corp., Paramount Productions, Paramount International, and others, was an outgrowth of Spitz's "decentralization" plan and was not conceived in order to place the assets of the company outside the jurisdiction of the U. S. District Court here in the event of a receivership.

Hertz contradicted a widespread belief within the industry that his entrance into Paramount on Oct. 11, 1931, had been occasioned by a pressing financial situation, in stating yesterday that at the time of his entry the company had an open credit of $17,000,000 with various banks. It was not until February, 1932, he said, that he received his first inkling that the financial situation of the company was not all that it might be. In this respect his testimony coincided with that given earlier by Ralph Kohn, former Paramount treasurer, and Adolph Zukor.

In reply to questions, however, Hertz admitted that the company's bank indebtedness was $7,500,000 at the end of 1931 and $9,600,000 at the end of 1932. He said his initial functions in Paramount were in connection with plans for solidifying the company's bank credits, in order to make them "as sound as possible."

Can't Remember Memo

He said that he "couldn't remember" a memorandum addressed to him by Robert T. Swaine, of Cravath, De Gersdorf, Swaine & Wood, Paramount special counsel, proposing the creation of a revolving bank credit of $15,000,000. The memorandum was read into the record by Isseks.

It was in February, 1932, Hertz testified, while he was vacationing at Miami, Fla., that he was advised by Kohn by long distance telephone from New York that the National City Bank had refused to renew a note for $1,000,000 which was about to come due. Hertz said he left for New York immediately to confer with officials of the bank.

"I tried to negotiate an extension with the bank," Hertz related, "but was unsuccessful. It developed a serious situation because our other creditor banks would have to learn of the National City's action and this would immediately jeopardize our credit with all of them. I explained the seriousness of the situation to Simonson at the National City branch which held our note, but he was adamant. He insisted on getting his money. I told him we didn't have it."

"Did you," Isseks interposed at this point, "then tell him that if he insited on payment it would mean the collapse of Paramount, in the event of which neither his nor any other bank would get anything?"

"I might have," Hertz replied. "I tried everything I could think of to obtain an extension of the note. I stayed with him as long as he permitted me to remain in his office."

Hertz related that, unable to obtain the extension, he went to Sir William Wiseman and Otto Kahn at Kuhn, Loeb & Co., Paramount bankers, and was told that they would see what could be done in the way of "straightening out" the matter. Later, he said, National City was given a demand note for $1,000,000 in place of the unsecured note.

Hertz Was "Alarmed"

The situation "alarmed" him, Hertz said, and he had further conferences with Wiseman and Kahn at which it was decided to create a new financial set-up for Paramount, and that Percy Johnston of the Chemical Bank, was the man to head it. Hertz went to Johnston, he said, and told him that Paramount would "pull through" with a reasonable amount of credit, in view of contemplated economies aggregating $25,000,000, and providing there was no further decline in cash intake.

"Did you tell Johnston that if he didn't come in it would mean Paramount's collapse?" Isseks asked.

"I may have said that," was the reply. "I was very anxious to obtain credit and painted as weird a picture to Johnston as possible."

Max D. Howell of the Commercial Bank and Trust Co., was later consulted about organizing a committee to approach the banks on a new one-year credit proposal, Hertz said. "We were hopeful it could be done," he added.

This plan later developed into the Film Production transaction by which a $13,375,000 credit was obtained from 12 banks. Hertz said the details of the transaction were left to Kohn and that when he next heard of them he was advised by Kohn, Swaine and Austin Keough, Paramount general counsel, that the transaction would not infringe the company's indentures. It was on the basis of such an alleged infringement that suit against Paramount was later brought by A. C. Blumenthal and resulted in a cash settlement for $35,000. Hertz said he approved this settlement "reluctantly" on the recommendation of Swaine that it would be "for the good of the company."

Two Banks Refused

It was revealed that the Bank of Manhattan and the Irving Trust Co., both of whom had been approached on the new credit plan, had declined to participate, with the result that the $13,375,000 credit finally obtained was less than the amount the negotiators for Paramount had hoped to obtain, Hertz said.

It was also disclosed that in the spring of 1932 Hertz and Spitz had worked on a large-scale rent reduction plan which contemplated a "complete abatement" of rentals by all Paramount landlords for the months of June, July and August of that year.

A letter to the landlords was read into the records by Isseks emphasizing the seriousness of the situation and the advisability of the landlords protecting their interests by consenting to the abatement of rent as proposed, and citing an anticipated first quarter loss of $2,000,000 for 1932 "and an even greater loss for the second quarter."

Tried to Get Rent Cuts

"We tried to get the rental reductions despite any obstacle," Hertz explained, "and we did get many millions of rental reductions."

Hertz related that he had been the intermediary in settling the contract of Sidney R. Kent, at the time of his resignation. "He asked for $200,000," Hertz said, "and I told him I thought that was too much, but the management committee voted that settlement."

A lengthy statement prepared by Griswold at the time of Hertz's resignation, later withheld from release to the papers, was read into the record and was described by Isseks as "better representing actual conditions within the company at the time than the statement which was finally given out." The statement declared that as far back as March, 1932, the "solvency of the company was threatened because of maturing notes and stock repurchase agreements" and that refinancing was finally accomplished by "pledging negatives in the process of production."

Attorneys for the Paramount trustees will resume questioning of Hertz Nov. 17, and will be followed by Saul E. Rogers and Samuel Zirn, attorneys for Paramount bondholders' groups, at whose request Hertz was produced.

Kohn Discloses Trade Papers Were Curious on Para. Deals

A tribute to trade paper "inquisitiveness," sometimes referred to as "enterprise," was paid in the course of the examination of John Hertz, former chairman of the Paramount Publix finance committee, in bankruptcy proceedings before Referee Henry K. Davis yesterday, when telegrams relating to the creation of such operating subsidiaries as Paramount Productions, Inc.; Paramount Pictures Distributing Corp.; Paramount International, and others, which had been exchanged between Hertz and Ralph Kohn, then Paramount treasurer, were read into the record. Hertz was in Hollywood at the time.

Following Paramount's announcement to the press of the organization of the new subsidiaries, Kohn wired Hertz that "as you predicted, the trade papers have asked for further information" concerning the subject, and included the additional statement given out by Kohn as a result of the queries of the trade press.

Another wire to Hertz related that "the dailies (meaning the New York metropolitan press) accepted the Paramount statement as released, interpreting the move as one of decentralization. They asked no further information, so none was given."

Code Delayed By Too Much Classifying

(Continued from page 1)

cerned and minimizing the possibilities of wage controversies.

Rosenblatt's action in this respect was in no sense out of line with what was being done with other codes, a number of which also carry long pay schedules which also will be subject to attack when they come up for approval, if General Johnson's order is complied with consistently.

Producers Taking No Sides

While the producers are represented as not being in sympathy with the writing into the code of lengthy wage schedules, they conceded the point in the interest of harmony and are now taking no sides in the difference of opinion which apparently exists in the Recovery Administration as to the extent to which the government should concede to the demands of labor. The code rates, it was said, would increase the producers' costs by $10,000,000 a year.

The production section of the code is the only one in which pay rates are dealt with in detail, the distributors' and exhibitors' provisions covering wages briefly. The demand for a 30-hour week made by President William Green of the American Federation of Labor at the hearings on the code, as then explained, was aimed at those branches of the industry only, the producers having agreed to reduce their maximum week from 40 to 36 hours while continuing to pay at the 40-hour-week rate.

With General Johnson's order before him, Colonel Lea is represented as feeling that the wage schedule in the picture code should be scrapped and minimum wages for unskilled labor only incorporated, leaving it to the producers and their employees to come to an agreement as to the rates to be paid skilled workers. He is understood to have laid this view before Johnson during a long-distance telephone conversation, receiving instructions to hold the matter in abeyance until the administrator returns to Washington next week.

May Cause Labor Row

Colonel Lea's insistence upon elimination of definite wage scales, if supported by Johnson, may precipitate a bitter controversy between the Administration and labor officials of the A. F. of L., who are unalterably opposed to the limitation of classifications, and it has been intimated that if the provisions of Johnson's order are enforced Green will resign from the Recovery Administration and ask labor throughout the country to support him in an attack upon the organization.

The action of the Recovery Administration on the labor provisions of the film code will affect a number of other agreements having similar clauses, approval of which has been held up for some time.

It was pointed out by Recovery Administration officials today that, the film code already having received a large number of signatures, any changes now made therein would have to secure the approval of not only the several advisory boards but also of signatories of the code. This would necessitate the calling to Washington of all those who already have given their appproval to the document to lay before them such changes as were contemplated.

Allied Hits "Propaganda"

Following approval of the code, Allied States will give to all independent exhibitors "a detailed account of Allied's activities, including full information as to obstructions encountered," it was announced today from the organization's headquarters here.

"Allied's 11th-hour fight to get a fair code for the independent exhibitors has brought into full operation the propaganda mills controlled by antagonistic interests," it was declared in making public a telegram from Nathan Yamins of Massachusetts denying he had approved the code as reported in trade papers. Allied is investigating the source of suggestions made to certain leaders that they must approve a formless and unofficial document in order to secure representation on local grievance and zoning boards."

Burlesque Code Revised

WASHINGTON, Nov. 10.—Sitting with representatives of the burlesque industry until the small hours, Deputy Administrator Sol A. Rosenblatt this morning completed revision of the code on which hearings were held yesterday and in the near future will begin the writing of his report.

Supply Code Dropped

WASHINGTON, Nov. 10.—Plans for development of a new code for the theatre supply industry have been dropped and that trade, with a number of others, will be covered by the master wholesale code, hearings on which begin Nov. 13.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 1)

with evidence that big money was lavished on eye values, feminine modes and musical conceptions.

The story is a backstage drama mingling romance and laughter. Miss Crawford is a girl in a burlesque chorus a la Minsky, with the wish and the will to be a specialty dancer on Broadway. She gets a break and makes the grade in a big musical. Romance tangles her between the irresistible force of a Park Avenue playboy (Franchot Tone) and the immovable ambition of a stage director (Gable). With the playboy's bankroll out and the director backing the show himself, it opens a smash, with the dancing lady's heart veering between Park Avenue and Broadway.

Miss Crawford gives a good account of herself. She looks well and dances beautifully. Gable, with less than the usual amount of kiss-clutch-and-cling footage, still bowls over the femmes. Tone is the socialite to the manner born. Ted Healy and his stooges supply laughs in many shapes and sizes. Other bright spots are May Robson, Winnie Lightner and Robert Benchley. Fred Astaire links an attractive screen personality to ace dancing and should go somewhere in celluloid. Art Jarrett and Nelson Eddy carry the vocalizing between the dance routines.

A spectacle number, "Rhythm of the Day," with Rodgers and Hart music, is a novelty of sumptuous splendor, with girls and the glitter of glamour.

Robert Leonard's direction is deftly woven. The dialogue by Allen Rivkin and P. J. Wolfson is pithy and punchy.

Martin Ousted by Allied Over Code

(Continued from page 1)

territory be cancelled and that you be dismissed from board for failure to keep many promises of support, a written ballot was taken and vote was unanimously in favor of motion. Final action was withheld because of critical code situation involving interest of independent theatre owners. Your action in calling together small groups in Des Moines to approve Rosenblatt's code while national committee is striving for changes in interest of our members and before same has even been finally approved by NRA was disloyal not only to national association but also to independent exhibitors generally. The explanation made to the meeting that action at that time was necessary to insure representation on local board raises question as to your authority for making such statement, inasmuch as exercise of the appointing power to coerce exhibitors is a most serious reflection of the NRA. You will cease using the name Allied and inform your members you have no further connection with this association."

The telegram received from Yamins follows:

"My attention has just been called to an article appearing in one of the trade papers to the effect I had wired the Administration my approval of the code. This is absolutely false. I have taken no action by way of approval of disapproval and fail to see how I can intelligently take any action until the code in its final form has been presented to me for consideration and action. You may assure Allied leaders of my continued loyalty to Allied and to the cause of the independent exhibitor."

NEVADA, Ia., Nov. 10.—Lester F. Martin declared today he had "no comment at present," adding that "a statement, if any, will come from the board of directors of this organization and exhibitors themselves who have endorsed the code."

Projector Co. Stock Written Up—Clarke

(Continued from page 1)

the Senate's investigation of the Wall Street activities of Chase National, which figured prominently in the financing of Fox.

Describing the events leading up to the exchange, Clarke disclosed that the company had an authorized capital of 50,000 shares of preferred and 200,000 of common, of which he took 25,000 shares of the former and 125,000 of the latter. The projector company then took control of its three competitors in the production of theatre equipment, acquiring the Nicholas Power Co. for $690,770; Precision Machine Co. for $600,000 and Acme Motion Picture Projector Co. for $171,331.

A trading account in the preferred stock of the company, he stated, resulted in profits of $46,648 for each of the participants, who included himself, Murray W. Dodge, former vice-president of Chase Securities Corp., and William F. Ingolsby of Pynchon and Co. The latter company, West and Co., W. S. Hammons and Co. and the Shermar Corp., the personal company of Albert H. Wiggin, former head of the Chase National Bank, participated in the acquisition of securities of the projector company at $90 per share for preferred, with a bonus of three shares of common, which it sold to the public at $100, with a bonus of one share of common, it was brought out.

A value of $28,488,000 was given the stock of International Projector Corp. when it was exchanged for General Theatres stock, although the actual book value was but $2,225,616, it was developed by Ferdinand Pecora, committee counsel. Although the stock was earning only 73 cents a share at the time, Clarke declared that the figure of about $28.50 given it was a "well considered estimate of value" since International had developed a new type of projector which it was thought would revolutionize the film industry and had contracts in prospect which if carried out would have netted a profit of three to four million dollars.

The committee's study of film stocks will probably be continued next Tuesday, when it reconvenes after the week-end.

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MOTION PICTURE DAILY

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VOL. 34. NO. 113 NEW YORK, MONDAY, NOVEMBER 13, 1933 TEN CENTS

Warner Loss For 1933 Is Reduced 55%

Total Given as $6,291,748; Recent Gains Big

A net loss of $6,291,748 is reported by Warner Bros. Pictures, Inc., for the year ending Aug. 26, last, as compared with a net loss of $14,095,054 for the previous year. Before deduction of interest, amortization and depreciation a net profit of $1,941,359 was shown for the year, the company's financial report reveals. This is a cut of $7,803,306, or 55 per cent, and is regarded as a marked improvement over 1932.

For the months of September and October, not included in the annual statement, a "small net profit" was

(*Continued on page* 10)

St. Louis Skouras Company Bankrupt

ST. LOUIS, Nov. 12.—Skouras Brothers Enterprises have filed a voluntary petition in bankruptcy with the Federal Court here. The schedule of assets and liabilities will be filed within the next 10 days. The company's principal liability is a bond issue of $4,500,000 on the Ambassador theatre and office building which the company guaranteed.

Decision to file this petition was reached at a directors' meeting held

(*Continued on page* 10)

European Business Improving—Morris

"Business with European exhibitors has had a marked improvement during the past few months," Sam E. Morris, vice-president of Warners, stated upon his return after a six-week trip which took him to London, Paris, Rome, Amsterdam and Barcelona.

Morris, who frankly stated that his observation of business improvement was based upon what he found among

(*Continued on page* 3)

K. C. Jury Condemns Violence by Unions

KANSAS CITY, Nov. 12.—Use of violence for the purpose of intimidating theatre owners was condemned in a final report of the Jackson County

(*Continued on page* 3)

K. O.'d by Ostrich

Hollywood, Nov. 12.—Sid Wagner, M-G-M cameraman, went to the front office this week and asked to be switched to Mickey Mouse shorts. Reason enough. He was kicked in the face by an ostrich and took the count.

M-G-M's "Tarzan" unit was filming scenes with an indefinite number of elephants, lions and ostriches. Wagner picked the lesser of the evils and sneaked up behind an ostrich. The bird hurled a whistling left to Wagner's schnozzle.

M-G-M won't loan him to Disney so he's heading back for the last roundup.

Hertz Says Para. Had 1932 Surplus

Additional testimony to the effect that a Paramount Publix surplus existed when the company re-sold its half interest in Columbia Broadcasting System to William Paley in 1932 was given by John Hertz, former chairman of the Paramount finance committee, testifying at a Paramount creditors' meeting before Referee Henry K. Davis late last week.

The validity of the transaction was dependent on the existence of a surplus at the time, and attorneys for Paramount creditors and for the trustees in bankruptcy have initiated and

(*Continued on page* 3)

RKO and KAO Stock Transfer Approved

An order authorizing RKO to continue the exchange of its stock for that of Keith-Albee-Orpheum and Orpheum Circuit up to Nov. 30 was signed Saturday by Judge William Bondy in U. S. District Court here.

The exchange of the stock was begun in 1928, but the status of the procedure following the RKO re-

(*Continued on page* 10)

Effort to End K.C. Rate War Strikes Snag

Two Exhibitors Refuse To Join Agreement

KANSAS CITY, Nov. 12.—Efforts of Loew's and the Independent Theatre Owners of Greater Kansas City to eliminate cut prices and establish a code of ethics for the local trade have hit a snag by refusal of one or two key exhibitors to consent to fair practices.

Jay Means, president of the independents, says Col. E. A. Schiller of Loew's had agreed to increase the first run Midland's 25-cent price on Nov. 10 provided the independents would abolish double bills, dime

(*Continued on page* 3)

Academy Agrees on Membership Drive

HOLLYWOOD, Nov. 12.—The Academy of M. P. Arts and Sciences has decided to start a membership drive by informing the industry what the Academy has done for it and restore confidence in the organization. The membership now totals 870. Of 205 actor members, 73 have resigned.

Lester Cowan's resignation has been accepted with regret and Don

(*Continued on page* 3)

Writers End Deals With Coast Agents

HOLLYWOOD, Nov. 12.—Unable to come to terms for a working agreement between the Screen Writers' Guild and the Artists' Managers' Ass'n., all negotiations have been definitely shelved by the Guild. Reason for the move after much effort and research work had been made was attributed to the fact agents were unable to get together on the final vote.

Dubious Delay In Code Rests On Wage Angle

NRA's Slant Not Taken Seriously in N. Y.

Conceding that delay in enactment of the code might be traceable to a new move on the part of the NRA in ordering reduction of wage classifications from 58 to four, as divulged in Washington Friday night, New York executive opinion available on Saturday, nevertheless, declined to view the reason advanced as the real stumbling block.

It was pointed out that of all the angles which entered into code deliberations, the establishment of minimum wages and maximum working hours for studio crafts were disposed of faster than any other major portion of the proposed draft. Major producers, acting in consonance with the spirit of the NRA and its base line intent of maintaining current wage scales for labor while returning more

(*Continued on page* 3)

"Propaganda Mill" Operating-Allied

WASHINGTON, Nov. 12.—Charging the operation of the "greatest propaganda mill ever erected in the business," Allied States, in a formal statement, attacks the "so-called exhibitor leaders," who, it declares, are attempting to mislead the industry with respect to the film code.

"Nothing could more clearly disclose the treachery of certain so-called

(*Continued on page* 3)

Coast Production Declines in Week

HOLLYWOOD, Nov. 12.—Hollywood production for the week ending Nov. 11 took a slight nose dive with a decrease of six features under the week preceding. Summary of activity

(*Continued on page* 3)

Fox to Put 11 Into Work by Christmas

HOLLYWOOD, Nov. 12.—Activity at Fox is moving full speed ahead with 11 pictures scheduled to start before Christmas. They are:

"Carolina," starring Janet Gaynor; "Heir to the Hoorah," starring George

(*Continued on page* 10)

Loew's May Not Get Poli Group; F. & M. Mentioned

NEW HAVEN, Nov. 12.—Loew's may not get the Fox New England circuit of 18 houses, according to Louis M. Sagal, who is now operating. He said the theatres will formally be turned over to Poli-New England on Nov. 21 and that he will continue to operate indefinitely. On the other hand it is said F. & M. may get them.

Negotiations continue between Sagal and other circuit representatives, one of which is believed to be Louis

(*Continued on page* 10)

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Two Harvey Features On Ufa's List of 20

Two Lilian Harvey features with English dialogue head a schedule of 20 pictures to be released here by Ufa during the 1933-34 season. The list, which is available for national distribution or state rights, also includes 27 featurettes and 27 educational shorts.

The two pictures with Miss Harvey are "Love Waltz" and "Hokus Pokus." Others on the list are in German dialogue and feature among others, Conrad Veidt, Willy Fritsch, Renate Mueller, Kaethe von Nagy, Brigitte Helm and Hans Albers.

Kline to Start Circuit

MEMPHIS, Nov. 12.—A new circuit of small theatres in north Mississippi is contemplated by Charley Kline, ex-manager of the Rosemary Theatre here, and William Evans, who was connected with Ellis Auditorium here. They have taken over the Folly at Marks, Miss., on a partnership arrangement and are seeking other fields to conquer.

G-B Stars Due Tuesday

Jack Hulbert and Cicely Courtneidge (Mrs. Hulbert), Gaumont-British stars, are due here from London tomorrow aboard the *Paris*. After a New York vacation as guests of Arthur Lee, head of G-B of America, they will leave for Florida for a brief visit.

Breen in New York

Joseph I. Breen, executive assistant to Will H. Hays in Hollywood, arrived in New York from the coast Saturday night.

Yates, McConnell West

HOLLYWOOD, Nov. 12.—Herbert J. Yates and Fred McConnell are here from New York.

Purely Personal

IRVING HOFFMAN, caricaturist, left by plane Saturday for Hollywood and the Paramount studio where he will make two sketches of each star and director on the lot. He'll be gone three weeks, during which time he'll visit his brother at the M-G-M studios, and Sidney Skolsky, *Daily News* columnist.

LOUIS DE ROCHEMONT is directing RUSSELL HICKS, CHARLES COBURN, TERRY CARROLL and MARGARET MULLENS in "The Clown Dies" and "When the Lights Went Out" for Bray's Columbia release at the Fox Movietone Studio.

MACK GORDON and HARRY REVEL, song writers, arrived in New York by plane Friday morning, bringing with them the first print of Paramount's "Sitting Pretty," for which they wrote the music.

LUCILLE BALL, "Roman Scandals" player recently given a contract by United Artists, left for the coast yesterday to begin work on "Barbary Coast."

AL CHRISTIE will start another Moran and Mack short, "Hot or Cold," at the Eastern Service Studios today.

MRS. JACK LUSTBERG, wife of JACK LUSTBERG, sailed Saturday with her children on the *American Legion* to join her husband in Buenos Aires.

KAY KAMEN, eastern representative for WALT DISNEY, sailed for Europe Saturday on a four weeks' business trip.

MARTIN BECK, with MRS. BECK and ROBERT HUREL, president of the France Film Co., sailed Saturday on the *Champlain* for France.

WOLFE GILBERT, who is authoring EDDIE CANTOR'S radio material, arrived in town with the comedian last night from the coast.

PETER FREUCHEN will make a series of lecture talks throughout the country on Eskimo life after "Eskimo" opens at the Astor tomorrow.

HAL LEROY will be teamed with DAWN O'DAY in his fifth Vitaphone short, "Private Lessons," which goes into production today.

ELSIE JANIS returns from California with her husband, GILBERT WILSON, on the *Santa Lucia* tomorrow.

WILLIAM SUSSMAN, assistant to JOHN D. CLARK, Fox general sales manager, is in Chicago on a short business trip.

EDGAR BERGEN, ventriloquist, who has just completed a Vitaphone short, writes stories, appears in vaudeville and is a cameraman in addition.

BEN JACKSON, business manager for EDDIE DOWLING, is negotiating for a Broadway play.

BEN BLUE will start another Vitaphone short this week with RALPH STAUB directing.

SPYROS SKOURAS attended the Yale-Georgia game in New Haven on Saturday.

CHARLES BARON, U. A. exploiter, is in Toledo on "The Private Life of Henry VIII" at the Pantheon.

MONROE GREENTHAL is adding a number of additional exploitation men to the U. A. force this week.

ANN RONELL'S theme song for "Palooka" has been accepted by EDWARD SMALL of Reliance Pictures.

IRVING LESSER is booking "Hoopla" into the 7th Ave. Roxy, probably following "The Invisible Man."

FRANK LLOYD is en route to England for a vacation on his native heath.

WARREN WILLIAM is in New York for the first time in a year and a half.

JOHN HAMMEL of Paramount is back from his coast trek.

"Wonder Bar" Started

HOLLYWOOD, Nov. 12.—A week of rehearsals has been completed on Warner "Wonder Bar," featuring Al Jolson, and the film has gone before the cameras. Jolson will contribute four vocal numbers while Dick Powell will warble two.

More Work for Work

LOS ANGELES, Nov. 12. — Cliff Work, director of the RKO Golden Gate at San Francisco, has had the RKO Hillstreet here added to his charge.

R. R. Raub to Pueblo

DENVER, Nov. 12.—R. R. Raub, former director of publicity for the Denver while it was a Publix house, has gone to Pueblo to handle publicity for the Cooper-Publix houses.

Trading Light in All Issues

	High	Low	Close	Net Change	Sales
Consolidated Film Industries, pfd	9⅝	9⅝	9⅝	+ ½	400
Eastman Kodak	75	74⅞	75	.....	200
Loew's, Inc.	29	28⅞	29	+ ⅛	600
M-G-M pfd	20½	20½	20½	.....	100
Pathe Exchange	1⅜	1¼	1⅜	+ ⅛	300
Warner Bros.	6¾	6½	6¾	+ ¼	1,400

Warners Drops One-Quarter

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3½	3½	— ½	6
Keith B. F. 6s '46	45¾	45¾	45¾	— ⅝	3
Paramount Publix 5½s, '50	26¾	26¾	26¾	— ¼	1
Warner Bros. 6s '39 wd	41	41	41	— ¼	2

Blank and Goldberg Reported in a Deal

OMAHA, Nov. 12.—It is understood A. H. Blank and Ralph Goldberg of the World Realty Co. have reached an agreement for operation of the World and State theatres. The deal will give Blank four first runs here with Mort Singer's Brandeis the only competition.

Goldberg's application for affirmation or disaffirmation of the lease on the two houses, made by the bankrupt Publix-Nebraska, Inc., has been continued indefinitely in Federal Court. It is expected that J. W. Denman, trustee and former associate of Blank, will repudiate the leases so that a new agreement can be made.

Lays Crime to Pictures

KANSAS CITY, Nov. 12.—"It is not too much to say that the crime wave in this country started 10 years ago when children were getting their views of life from pictures that gave a totally demoralizing conception of life."

This criticism was delivered in the course of a sermon by the Rev. Richard M. Trelease at St. Paul's Episcopal Church here, and is typical of similar charges made by several members of the Kansas City clergy on recent Sundays.

Mike Simmons Busy

HOLLYWOOD, Nov. 12.—Having completed the screen play of his original story, "The World's Greatest Spender," for Charles R. Rogers, Mike Simmons has moved to Universal where he has already received two assignments. The adaptation of Roy Octavus Cohen's story, "Interlude," and an original idea of Henry Henigson's for Slim Summerville and Zasu Pitts.

Eddy Goes to Youngstown

AKRON, Nov. 12.—Wesley Eddy, who has been master of ceremonies at the Palace since the house reopened as a Monarch unit about 60 days ago, has been assigned to the Palace, Youngstown, in a like capacity. He succeeds Robert Gillette, who has been transferred to New York.

Hold Chicago Offices

CHICAGO, Nov. 12.—RKO will not move its offices to the Palace Theatre, according to the latest plan, but will keep them in the State-Lake Building.

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Dubious Delay In Code Rests On Wage Angle

(*Continued from page* 1)

men to jobs through a spread of available work, voluntarily offered their new deal on the basis of 40 hours pay for a 36-hour working week.

That unionized labor recognized the move and was for it, was evidenced by the public acknowledgment along such lines uttered by William Green, president of the American Federation of Labor, at the public hearings. As a matter of fact, unions employed at the studios are reliably learned to have signed the code as it now stands.

Stand Based on Johnson Order

Heralded in advance by no warning of any kind, the NRA attitude now stands on an order reputedly issued by General Hugh S. Johnson several weeks ago that only minimum wages should be designated and that no classification of wages by jobs is to be made except there are not to be more than four where it becomes necessary to classify labor by groups. In the face of the Johnson order, Colonel W. R. Lea, his executive assistant, now is represented to feel the lengthy wage scale embodied in the third NRA code draft should be scrapped and minimum wages for unskilled labor only included with scales for skilled workers to be arrived at on the basis of negotiation between employes and employers.

One film man in a position to know what he is talking about on the basis of representation in code formulation declared on Saturday that the new development "simply does not make sense." He expressed it as his point of view that delay in enactment of the code must be traced to other reasons, admitting at the same time he did not know what these reasons might be.

If Johnson's order holds insofar as the film code is concerned, Washington opinion believes the effect may be serious and far-reaching in other industries already codified or awaiting codification.

"Propaganda Mill" Operating-Allied

(*Continued from page* 1)

exhibitor leaders than their actions in the present situation with reference to the code," it was asserted. "Two men who have been most active in opposing further efforts to secure modification of the proposed code in favor of exhibitors had been offered places on the code authority by Deputy Administrator Sol A. Rosenblatt," it was charged.

"Other leaders received mysterious intimations that unless they got in line their organizations would not be represented on the various local boards provided for in the draft.

"Propaganda was spread that the code was 'set'; that it had gone to the White House; that the President's pen was poised over it; that further opposition was useless.

"Another feature of the picture is that admittedly the code is not in final form; it has not been finally approved by the NRA; the way is open to secure provisions more favorable to exhibitors, and yet these alleged leaders are urging approval of the Rosenblatt draft.

"Not only this, but the greatest propaganda mill ever erected in the business is grinding out reports and rumors at a rate that makes one's head swim.

"What possible object can Ed. Kuykendall and his cohorts have in securing these senseless 'approvals' of the Rosenblatt code except to place obstacles in the way of those seeking terms more favorable to exhibitors?"

Hollywood Touch

Hollywood, Nov. 12.—One of those wonders which can only be observed in Hollywood, was witnessed the other day on the Warner lot where Al Green was directing a snow scene for "As the Earth Turns" with a red carnation buttonholed in his lapel and a gold-handled cane to swish the flakes from his path.

K. C. Jury Condemns Violence by Unions

(*Continued from page* 1)

Grand Jury which has been investigating racketeering for the past three weeks.

The report said theatre owners and the public had been terrorized by bombings to force owners to employ union operators. In some instances, non-union operators were to blame for violence, the Grand Jury found. The report also said Operators' Local 170 had been suspended by the I. A. T. S. E.

Whether exhibitors have a right to perform services in their own theatre without employing union help is the question to be decided in an injunction suit brought by Charles F. Easterly and Homer Pouts, owners of the suburban Sun, against Local 170.

Judge Ben Terte in the Jackson County Circuit Court, issuing a temporary injunction against the union, held that while the courts have ruled that peaceable picketing is within the law, in this case it was unjustified if the allegations of the exhibitors were set forth correctly. Union officials contend the Missouri Supreme Court has upheld picketing and therefore they believe the court will turn down the application for a permanent restrainer.

Easterly and Pouts assert in the application they are both expert projectionists and that business in their small neighborhood house does not justify hiring operators. Pouts operates the machines. It is charged that the union officials had demanded that union operators be employed, and that when this was refused the defendants on Oct. 16 began a campaign against the theatre.

Judge Terte commented that he believed the exhibitors had a perfect right to conduct their business without engaging employes for duties they could perform themselves.

"Night Bus" Delayed

HOLLYWOOD, Nov. 12.—Columbia is holding up production on "Night Bus," due to inability to find a leading lady for Clark Gable, who has been borrowed from M-G-M.

European Business Improving—Morris

(*Continued from page* 1)

exhibitors playing Warner product, added that the noticeable improvement could be traced to more aggressive exploitation and advertising methods used by Continental exhibitors, plus the right sort of pictures.

"Europe has taken a leaf out of American showmanship methods," declared Morris. "Sensational exploitation campaigns, flash fronts worthy of a Broadway first run, street ballyhoos, and large advertising space, have supplanted the inconspicuous, dignified exploitation of pictures in the past.

"Copies of campaigns used in America are sent to each of our branch managers abroad, who in turn pass them along to the exhibitors. Fronts running as high in cost as $1,000 have been used in London, France, Holland and Italy and Spain for 'Gold Diggers,' '20,000 Years in Sing Sing,' 'Central Airport' and others.

"Exhibitors now realize that in order to make money they must spend money. This has resulted in more advertising space being taken for pictures than ever before.

"Institutional advertising—something never heard of, now plays an important part with exhibitors abroad. In Rome, one exhibitor who had just signed for Warner product, took an entire page in the Rome newspapers.

"Another part of the business to which European exhibitors are paying more and more attention are regular trade showings. These trade showings have become important events.

"It is impossible," continued Morris, "to lay down any hard and fast rule as to what type of picture appeals the most to European audiences. With the big returns coming in right now from '42nd Street,' and 'Gold Diggers' one is tempted to say 'musicals,' but then when I recall others I am constrained to say that all good pictures will do business abroad."

Coast Production Declines in Week

(*Continued from page* 1)

shows a total of 42 features in work, 29 in final stages of preparation scheduled to start within the next two weeks and 45 in the cutting rooms. Short subjects total to eight in work, 15 preparing and 22 in cutting rooms.

A breakdown of the above totals for features in work shows M-G-M with six features working, one preparing and five cutting; Fox, four, seven and six; Paramount, six, four and four; United Artists, two, zero and five; Universal, five, zero and four; Columbia, two, three and three; Warners, five, five and 10; Radio, five, zero and four; independent group of producers, seven, nine and four.

Akron House Cuts Scales

AKRON, Nov. 12.—Reversing the policy prevalent in some of the Ohio situations, the Colonial, a Mort Shea unit, has reduced admissions approximately 20 per cent. Present matinee scale is 25 cents, with the evening rate 33 cents, both including the 10 per cent state admission tax.

Effort to End K.C. Rate War Strikes Snag

(*Continued from page* 1)

nights, giveaways and similar "price evasions." Means declares he was successful in obtaining the support of all but one or two insurgents, who are stubbornly holding out for all the unfair practices the other exhibitors agree to eliminate.

While Means has not relinquished hope that he will be able to obtain unanimous consent, it appears that Kansas City is to remain a hot-bed of admitted "chiseling" for some time to come. As a result, Loew's is not planning to hike its scale here for at least 30 days.

It is also said that double billing indulged in for the first time by the first run Fox Uptown last week will not hasten any action by Loew's, despite the fact business at the Uptown was considerably off and, as a result, the house will not try twin featuring again. The Uptown's reduced balcony price from 40 cents to 25 cents will be given a longer trial, however, possibly for another month.

In the meantime, while it is generally admitted that the trade would be better off if the practices condemned would be consigned to a speedy death, there is considerable inclination to leave matters in status quo until the industry code starts operating, when a different complexion can be placed on the entire situation.

Hertz Says Para. Had 1932 Surplus

(*Continued from page* 1)

are continuing efforts to determine whether or not a surplus did exist. Indications are that an action to have the transaction set aside would be instituted if it were found that no Paramount surplus existed at the time.

Hertz testified that he had been advised, prior to the $5,200,000 sale, by M. J. Michel, Paramount accountant, that there was a surplus on hand, and that this advice was substantiated by Ralph Kohn, former Paramount treasurer; Austin Keough, general counsel, and Robert T. Swaine, special counsel. Hertz said he was the "contact" man for Paramount on the sale and also obtained the banking support for Paley which brought about the repurchase offer.

Academy Agrees on Membership Drive

(*Continued from page* 1)

Gledhill has been made temporary secretary. Howard Green has been made first vice-president through the resignation of Fredric March. Louis Stone steps into the second vice-presidency as a result of Green's advancement.

Virgil Miller, DeWitt Jennings, Frank Capra and William Sistrom have so far been named to lead the membership drive. Heads of other branches will be added to the committee.

YOUR customers must have their FUN. So here is to Parker & Pendleton, composers of "You're in My Arms, But I'm in the Hands of a Receiver"..You can't go wrong with a Parker song and Pendleton lyrics will give you hysterics.

Jack Oakie and Jack Haley

SIT pretty? Yes, they sit pretty, listen pretty, look even prettier. Two good numbers that bring SEX-APPEAL right into the picture . . . "Number one" red-headed and rythmic . . . "Number two" blonde, blasé, beautiful.

Ginger Rogers and Thelma Todd

"SITTING

Paramount Pictures

IT'S THE BEST SHOW IN TOWN!

TINGling tunes by the boys who wrote "A Tree Was a Tree", "Underneath the Harlem Moon", "An Orchid to You". Heard just enough on the radio by your customers to put them in a mood for "Sitting Pretty" in your seats.

Music by Gordon & Revel

PRETTY, very pretty! These hundred Hollywood honeys, coached by Larry Ceballos to assume graceful and enticing poses. "IT", multiplied by 100, gives you SUPER-"IT", and that's what they give off in this picture.

100 Hollywood Honeys

PRETTY"

JACK OAKIE • JACK HALEY • GINGER ROGERS • THELMA TODD
GREGORY RATOFF • LEW CODY *and the* PICKENS SISTERS
Directed by Harry Joe Brown ~ ~ A Charles R. Rogers Production

A PARAMOUNT PICTURE

"Angel" Cops Frisco Dough In 2nd Week

SAN FRANCISCO, Nov. 12.—"I'm No Angel," after a first record-shattering week at the Paramount, continued to draw high in its second week, nabbing $25,000 for the stanza, still $10,000 over average. Fox-West Coast is taking a lesson from the first Mae West film, "She Done Him Wrong," which was sneaked in as a first run at the Paramount and then drew all the money in the neighborhoods. "I'm No Angel" has now been moved to the Embassy, another Market street F-W-C house and will stay there as long as it makes any kind of a showing.

Total first run business was $98,000. Average is $101,500.

Estimated takings:

Week Ending Oct. 31:

"EMPEROR JONES" (U. A.)
COLUMBIA—(1,200), 50c-75c-$1.50. Two-a-day. **Gross:** $6,500. (Average, $6,500.)

"LOVE, HONOR AND OH, BABY" (Univ.)
GOLDEN GATE—(2,800), 25c-35c-45c-65c, 7 days. Vaudeville. **Gross:** $9,500. (Average, $13,000.)

Week Ending Nov. 2:

"MARY STEVENS, M.D." (Warners)
EL CAPITAN—(2,900), 10c-35c-40c, 7 days. Stage, band. **Gross:** $8,000. (Average, $9,000.)

"NIGHT FLIGHT" (M-G-M)
EMBASSY—(1,380), 30c-40c-50c, 7 days. **Gross:** $3,500. (Average, $3,000.)

"FLAMING GOLD" (Radio)
ORPHEUM—(3,000), 15c-35c-40c, 7 days. Stage: Rube Wolf band, girls. **Gross:** $8,500. (Average, $10,000.)

"EVER IN MY HEART" (Warners)
WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage: Band. **Gross:** $15,000. (Average, $19,000.)

"BROKEN DREAMS" (Monogram)
FOX—(4,600). 10c-15c-25c-35c, 7 days. Stage, 10 vaudeville acts. **Gross:** $10,000. (Average, $9,000.)

Week Ending Nov. 3:

"I'M NO ANGEL" (Para.)
PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days, 2nd week. **Gross:** $25,000. (Average, $15,000.)

"BUREAU OF MISSING PERSONS" (Warners)
"KICK OFF" (Warners)
ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $5,500. (Average, $6,000.)

"THE BOWERY" (U. A.)
UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $6,500. (Average, $6,500.)

"Bowery," $6,000, Leads in Oklahoma

OKLAHOMA CITY, Nov. 12.—"The Bowery" sent the Criterion gross to $6,000, which is $1,000 above average. The Capitol also went slightly above on "One Man's Journey," taking $3,500, or $500 above par. "The Power and the Glory" and "Saturday's Millions" drew average business of $3,000 to the Liberty.

Total first run business was $13,700. Average is $11,700.

Estimated takings for the week ending Nov. 4:

"THE BOWERY" (U. A.)
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $6,000. (Average, $5,000.)

"ONE MAN'S JOURNEY" (Rodio)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,500. (Average, $3,000.)

"THE POWER AND THE GLORY" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 7 days. **Gross:** $1,500. (Average week, $3,000.)

"SATURDAY'S MILLIONS" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,500. (Average week, $3,000.)

"RAFTER ROMANCE" (Radio)
VICTORIA—(800), 10c-15c-20c-26c, 3 days. **Gross:** $600. (Average week, $1,200.)

"YES, MR. BROWN" (U. A.)
VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $900. (Average week, $1,200.)

Was Neighbor

Hollywood, Nov. 12. — Although the local scribes haven't been informed yet—and probably won't if the Warner p.a.'s have anything to say about it, Donald Woods, who joined the studio contract list amid a blaze of New York ballyhoo, parked his hat for a number of years two blocks from the studio. In fact, he was student body president of the Burbank High School.

Right in their own back yard and they didn't spot him till he went to New York, which, after all, is a familiar story in these parts.

"Lady" Opens Heavy In Portland House

PORTLAND, Nov. 12.—"Lady for a Day" opened the new Pantages, with eight acts of vaudeville, with an intake of $10,200. This is $2,200 over normal.

"The Power and Glory" at the Liberty, an unusual narrative, also with the help of vaudeville, brought in $2,500, or $700 over average.

"Elysia" proved a pleasant surprise and Hamrick's Music Box went nudist and registered $4,200, or $1,200 over normal. "Emperor Jones" was also a good draw at United Artists with $6,000, or $1,000 over average. Backed up by two years of radio advertising Jack Pearl in "Meet the Baron' at Broadway grossed $6,900, or $900 over normal.

First run total for the week was $31,600. Average is $25,800.

Estimated takings for the week ending Nov. 4:

"MEET THE BARON" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,900. (Average, $6,000.)

"THE POWER AND GLORY" (Fox)
LIBERTY—(1,800), 25c-35c-40c, 7 days. Vaudeville. **Gross:** $2,500. (Average, $1,800.)

"ELYSIA" (National Exchanges)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $4,200. (Average, $3,000.)

"BEFORE DAWN" (Radio)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. Georgia Minstrels. **Gross:** $1,800. (Average, $2,000.)

"LADY FOR A DAY" (Col.)
PANTAGES—(1,700), 15c-25c-35c-40c, 7 days. Eight acts vaudeville. **Gross:** $10,200. (Average, $8,000.)

"EMPEROR JONES" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

New Producing Unit Started in London

LONDON, Nov. 12.—A new producing company has begun operations here. It is called Ensign Productions and is headed by W. G. Douglas Hutchinson, M. P. Distribution will be through Butcher's Film Service.

The first picture, a story of English home life, will be called "Shepherd's Warning" and will be directed by Norman Walker.

Paramount Adds Comedy

HOLLYWOOD, Nov. 12.—Paramount has added "Pursuit of Happiness," a comic play by Alan Child and Isabelle Lowdon, to its production program.

"Angel" Tops Boston Takes With $44,500

BOSTON, Nov. 12.—"I'm No Angel" broke all recent box-office records for Boston theatres by piling up $44,500 at the Metropolitan, which is $16,500 above average. It was the best week's business at the Metropolitan for many months.

The high mark achieved by the Metropolitan was reflected in the other first runs. Loew's State was up $4,500 with "Meet the Baron," while both RKO theatres were well up, "Saturdays Millions" at the Boston tying Loew's State for second high honors with "After Tonight" at Keith's only a little behind with $4,000 above par.

Total first run business was $125,000. Average is $95,000.

Estimated takings for the week ending Nov. 2:

"SATURDAY'S MILLIONS" (Univ.)
BOSTON—(2,900), 25c-50c, 7 days. Harold Stern and orchestra and Mitzi Mayfair. **Gross:** $20,500. (Average, $16,000.)

"THE KENNEL MURDER CASE" (Warners)

"TILLIE AND GUS" (Para.)
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

"AFTER TONIGHT" (Radio)
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $20,000. (Average, $16,000.)

"MEET THE BARON" (M-G-M)
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaude. **Gross:** $20,500. (Average, $16,000.)

"I'M NO ANGEL" (Para.)
METROPOLITAN—(4,350), 30c-65c, 7 days. Little Jack Little. **Gross:** $44,500. (Average, $28,000.)

"THE KENNEL MURDER CASE" (Warners)

"TILLIE AND GUS" (Para.)
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000.)

"Angel" Is $27,200 Smash Buffalo Hit

BUFFALO, Nov. 12.—Almost triple normal business was done by Mae West's "I'm No Angel," first picture in the Great Lakes under the new "run" house policy. The take was $27,200, a total under the record held by "Politics," but more people saw the West flicker. The Hippodrome, with "One Sunday Afternoon" and vaudeville shifted back there from the Great Lakes, did $10,000 in six days or normal for a full week. The shortened session was due to a change in opening day.

Total first run take was $63,000. Normal is $47,500.

Estimated takings for the week ending Nov. 3:

"TORCH SINGER" (Para.)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Jimmy Savo, Major, Sharpe & Minor, Pops and Louie, Harris Twins & Loretta, Wilfird Du Bois. **Gross:** $13,100. (Average, $15,000.)

"THIS DAY AND AGE" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"I'M NO ANGEL" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $27,200. (Average, $10,000.)

"ONE SUNDAY AFTERNOON" (Para.)
HIPPODROME—(2,100), 25c, 6 days. Stage: Ann Codee, Bob Ripa, Ann Pritchard & Jack Goldie Revue, with Shibley Sisters; Larimer & Hudson, Stanley Bros. & Atree, Joseph E. Howard, with Radio Happiness Girls; Mills. Gold & Ray, with Chuck Howard and Alda Deery; Lowe & Hite. **Gross:** $10,000. (Average for week, $10,000.)

"TARZAN, THE FEARLESS" (Principal)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,700. (Average, $6,500.)

Seattle Goes For Mae West With $15,000

SEATTLE, Nov. 12.—"I'm No Angel" was by far the outstanding attraction of the week, registering a gross of about $15,000 against an average $7,000. The West opus was moved to the Paramount for an extended run.

Other houses, without exception, were below normal, giving evidence of the overseated condition of the city at the present time. "The Way to Love" at the Paramount took about $6,000 in nine days, against the same gross average for seven days. "The Bowery," in its third and final week at the Blue Mouse, was somewhat below average, as was also "Ever in My Heart" at the Music Box. "Pilgrimage in the Roxy for five days pleased audiences, but failed to draw much patronage, and "Golden Harvest" with vaudeville at the Orpheum was also under the previous week's figures.

Total first run business was $44,000. Average is $42,000.

Estimated takings for the week ending Nov. 4:

"THE BOWERY" (U. A.)
BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days, 3rd week. **Gross:** $3,500. (Average, 1st week, $4,000.)

"I'M NO ANGEL" (Para.)
FIFTH AVENUE—(2,450), 25c-35c-40c-55c, 7 days. **Gross:** $15,000. (Average. $7,000.)

"TERROR TRAIL" (Univ.)
"REFORM GIRL" (Tower)
LIBERTY—(1,800). 10c-15c-25c, 7 days. **Gross:** $3,750. (Average, $4,000.)

"NIGHT AND DAY" (Gaumont-British)
METROPOLITAN—(1,300), 20c-30c-40c, 7 days. **Gross:** $2,500. (Average, $3,500.)

"EVER IN MY HEART" (Warners)
MUSIC BOX—(950), 25c-35c-40c-55c, 7 days. Walter Buxbaum, pianist, in person. **Gross:** $3,250. (Average, $4,000.)

"GOLDEN HARVEST" (Para.)
ORPHEUM—(2,500), 25c-35c-40c-55c, 7 days. Vaudeville headed by Godino Twins. **Gross:** $6,000. (Average, $7,000.)

"THE WAY TO LOVE" (Para.)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 9 days. **Gross:** $6,000. (Average, 7 days, $6,000.)

"PILGRIMAGE" (Fox)
ROXY—(2,275), 25c-35c-50c, 5 days. **Gross:** $4,000. (Average, 7 days, $6,500.)

B. & K. Deals of "U" First for the Loop

CHICAGO, Nov. 12.—Universal has closed with B. & K. for a number of Loop engagements for the first time in the history of the distributor. This means Universal's "A" product will be divided among the Roosevelt, Chicago. United Artists and McVickers.

Cincy Reports 17 Open

CINCINNATI, Nov. 12.—Favorable straws in the industrial wind show that 17 houses reopened in the Ohio and West Virginia sectors of the Cincinnati trade territory during September. Only three closings were reported during that period, according to records of the Cincinnati Film Board of Trade.

"Parade" Portland Hit

PORTLAND, Nov 12.—"Footlight Parade" showed to 30,000 persons in its first week at the Music Box and grossed $8,000 the first four days, topping "Gold Diggers of 1933."

Twin Cities Tip $11,500 To "Bowery"

MINNEAPOLIS, Nov. 12.—"The Bowery" was strong in both of the Twin Cities last week. At the State here it reached $6,000, up by $500, and at the Paramount across the river it took $5,500, also $500 up, making a total gross for the two spots of $11,500.

"My Weakness" also was a good draw. It reached $4,000 at the Century here and the same amount at the St. Paul Riviera.

Total grosses in Minneapolis were $18,500. Average is $17,200. The five St. Paul first runs took $16,000, over normal by $1,000.

Estimated takings:

Minneapolis:

Week Ending Nov. 2:

"MY WEAKNESS" (Fox)
CENTURY—(1,640), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)
"TILLIE AND GUS" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

Week Ending Nov. 3:

"BUREAU OF MISSING PERSONS" (F. N.)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. **Gross:** $5,800. (Average, $5,500.)
"THE BOWERY" (U. A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)
"THE GOOD COMPANIONS" (Fox)
WORLD—(400), 25c-75c, 7 days. **Gross:** $1,200. (Average, $1,200.)

St. Paul:

Week Ending Nov. 2:

"THE BOWERY" (U. A.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)
"MY WEAKNESS" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)
"CHANCE AT HEAVEN" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 4 days. **Gross:** $2,200.
"DELUGE" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $1,800. (Average for week, $4,000.)
"SATURDAY'S MILLIONS" (Univ.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average, $800.)
"GRAND SLAM" (F. N.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $600. (Average, $700.)
"F. P. 1" (Fox)
WORLD—(300), 25c-75c, 7 days. **Gross:** $1,000.

Churchmen to Check Upon Immoral Films

LONDON, Nov. 12.—One of the outgrowths of the recent International Catholic Cinema Congress at Brussels is the formation of a group to check moral standards in films throughout the world, the object being to discourage immoral and anti-religious films.

A full time secretary will be named and his job will be to travel to various countries and get in touch with organizations sympathetic with these purposes.

Seattle to Get Vaude

SEATTLE, Nov. 12.—Pantages vaudeville will open at the Roxy here this week, according to an agreement just signed by Jensen-VonHerberg and Alexander Pantages.

Five acts will be presented each week, with first run pictures from Universal, Columbia, and independent companies already booked. The same shows will also play Jensen-VonHerberg's Roxy in Tacoma, and will be presented by Pantages himself in Portland.

Hollywood On Parade

By BILL SWIGART

HOLLYWOOD, Nov. 12.—It's not the code, it's not the climate, it's not the temperament that keeps Holywood agitated. No, sir! It's money.

Elsewhere, money may be the root of all evil; but in Hollywood money is the seed of all turmoil.

Executives want theirs, stars want theirs, writers want theirs, labor and technicians want theirs. Not to mention agents, press agents and everyone else who feeds of the golden calf that is called movies.

A lot of folks out here are willing to believe that MR. ROOSEVELT and MR. ROSENBLATT, not kidded a bit by claims and counter-claims, know exactly the source of all the heat—and will act accordingly.

But, says Hollywood in general, if the big, bad code goes too "humanitarian and idealistic," it is liable to defeat itself. For if the heavy money makers are cut to the bone, thousands of innocent bystanders will be injured worse than the principals. Hollywood, while it pays off big, also spends in the large manner. Few of the heavy-salaried boys and girls, in the production end, hold on to a great deal of their revenue, but spend liberally.

Whittling down a $75,000,000 payroll to, say, $50,000,000, or even $40,000,000, is going to do more harm to the economic life of the community at large than a few hundred or thousand odd jobs can do good. At least, that's the reasoning prevalent in the picture colony which, after all, can absorb only about one-tenth of the working population at peak of production.

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BITS OF THIS AND THAT: PATSY RUTH MILLER says German sounds like people trying to be funny. Perhaps she was thinking of JACK PEARL when she made the crack. . . . When asked what his operation was all about, GROUCHO MARX said he just had a brass rail removed from his foot. . . . Remember the time FIFI DORSAY was arrested in Detroit for kissing a policeman in the public square? Well, she did the same thing to SECRETARY OF NAVY SWANSON at a luncheon at M-G-M, but, of course, did not get as much publicity as the Detroit incident, because her kissing escapades have ceased to become news. . . . NILS ASTHER solved the mystery of his missing pipe tobacco when he discovered his Great Dane pilfering the humidor, eating and liking it. The Swedish actor immediately found a new hiding place for the costly mixture in preference to hamburger, which is much cheaper. . . . KATHARINE HEPBURN is determined to do a play in New York before making another picture. . . . HELEN CHANDLER is being seriously considered by JOHN BARRYMORE to play the part of Ophelia in his outdoor production of "Hamlet" to be staged at the Hollywood Bowl next summer.

WINNIE SHEEHAN is putting it on heavy for JANET GAYNOR in "The House of Connelly" by surrounding her with the best cast obtainable, and no expense will be spared to make this the ace Fox picture of the year. He is doing the same with LEW BROWN'S "Movietone Follies.". . . WANDA TUCHOCK will soon become the second woman contract director in Hollywood when she swings into production on "Just Off Fifth Avenue" for Radio. The only other female free lance directress now active is DOROTHY ARZNER.

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Story similarities between Universal's "Only Yesterday," and Stefan Zweig's "Letter to an Unknown Woman," which was announced as purchased by Radio several months ago, have sent glimmering the hope that the latter story will ever reach the screen. According to reports from Radio, the story was evidently not purchased outright and the studio failed to take up the option.

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Sam Goldwyn put over a nifty on the local snoopers recently when he pulled a sneak preview of the Eddie Cantor picture, "Roman Scandals," in a small town near San Francisco. The showing was planned so carefully that the Goldwyn execs had to get a 24-hour start to get there in time. Even then they had a heluva time finding the preview house. There wasn't a reporter within miles.

Rogers Explains It

Hollywood, Nov. 12.—Here is a Will Rogers success story.

"As a success I'm a rank failure. To attain success in Hollywood you've got to owe at least half a million dollars, have five cars, a fur-lined bath tub, develop a lot of temperament for no reason at all, get mixed up in at least three divorces and no less than two breach of promise cases.

"I'm too old to learn new tricks and, besides, I'm pretty well off in a domestic way and ain't yearning for any change. I own one car and, for recreation, I spend a great deal of my time enjoying the company of my polo ponies and goats. There's nothing like the companionship of a horse or a goat. They can't laugh at you and they never gossip. At least not as far as I can find out."

Pick Helen Hayes' Next

HOLLYWOOD, Nov. 12.—Metro has lined up the play, "What Every Woman Knows," as Helen Hayes' next vehicle, following the completion of her personal appearance tour.

It is a play by Sir James Barrie and was the vehicle for one of her initial stage appearances. Irving Thalberg will produce. The picture is slated for production in the spring.

Delay "Laughing Boy"

HOLLYWOOD, Nov. 12.—Departure of M-G-M's "Laughing Boy" unit for Arizona has again been delayed. The company was slated to get away two weeks ago.

Repeated postponements have been due to several re-hashings of the story.

Grosses Take Sudden Slump In Pittsburgh

PITTSBURGH, Nov. 12.—The bottom fell out of the film business here last week, and almost without exception grosses tumbled to mid-summer lows.

At the Penn, "Bombshell" was the biggest disappointment, getting only around $10,000. The picture won fine notices. "The Way to Love" was another disappointment at the Stanley. It gave the house its worst business in months and was pulled after only five days with $5,500.

The Warner and Davis didn't fare so badly, the former getting $4,600 with "The Kennel Murder Case" and the latter $2,300 with "The Ace of Aces." The Fulton had a struggle to get $3,000 with "Turn Back the Clock," while "By Appointment Only" and vaudeville slipped the Pitt to $3,700.

Mae West's "I'm No Angel" ran eight days at the Aldine, gathering an average of $1,000 daily. The house was reopened just for this picture, brought here after its great week at the Penn, and was immediately closed again after the engagement.

Total grosses in six first runs were $29,100. Average is $37,000.

Estimated takings for the week ending Nov. 4:

"I'M NO ANGEL" (Para.)
ALDINE—(2,100), 25c-50c, 8 days. **Gross:** $8,000.
"ACE OF ACES" (Radio)
DAVIS—(1,700), 25c-40c, 6 days. **Gross:** $2,300. (Average, $2,500.)
"TURN BACK THE CLOCK" (M-G-M)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $3,000. (Average, $4,000.)
"BOMBSHELL" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $10,000. (Average, $12,000.)
"BY APPOINTMENT ONLY" (Chester.)
PITT—(1,600), 15c-40c, 6 days. Stage: Kirby and Duval, Three Miller Brothers, Wilton Sisters, Johnny Hyman, Dodge Brothers revue, Hartley and Alvarez and Happy Harrison's Circus. **Gross:** $3,700. (Average, $4,500.)
"THE WAY TO LOVE" (Para.)
STANLEY—(3,600), 25c-50c, 5 days. **Gross:** $5,500. (Average, for 6 days, $9,000.)
"KENNEL MURDER CASE" (F. N.)
WARNER—(2,000), 25c-50c, 6 days. **Gross:** $4,600. (Average, $5,000.)

LeRoy Has Play Idea

HOLLYWOOD, Nov. 12.—As soon as Mervyn Leroy is able to get a furlough from his Warner directorial contract, he wants to return to New York to direct a play of his own under the title of "Insincere City." The director has been nursing this story along for years and finally made a deal on his recent New York trip for a Broadway showing.

Fox Signs Hoffenstein

HOLLYWOOD, Nov. 12.—Samuel Hoffenstein gets a Fox ticket to do the screen adaptation of "All Men Are Enemies," from the novel by Richard Aldington.

The studio is making plans to build this film to one of the biggest on the program.

Team Farrell-Del Rio

HOLLYWOOD, Nov. 12.—Radio has teamed Charles Farrell and Dolores Del Rio for co-starring honors in "Dance of Desire." Cyril Hume is working on the screen play.

WE TOLD
—and now the Critics

N. Y. Daily News:

(3½ Stars) . . . "A new star has risen and is shining brightly on the Music Hall screen since yesterday, when Margaret Sullavan appeared in Universal's 'Only Yesterday.'"

N. Y. Daily Mirror:

"This beautiful, sensitive love story is played by one of the finest casts ever assembled for a single film. Among the 95 established players who appear in it you will find a new star of genuine brilliance. She is Margaret Sullavan, who gives a performance of such lustrous beauty it will thrill you and of such simple sincerity it will break your heart."

N. Y. American:

"Margaret Sullavan scores heavily ...'Only Yesterday' possesses quality in production and has its moments of affecting beauty . . . The picture is distinguished by the effective pretending of Margaret Sullavan, the light charm of Billie Burke and the presence of John Boles, who does just a bit better than ever before."

N. Y. Journal:

"There were any number of handkerchiefs in evidence at the Music Hall yesterday. For 'Only Yesterday' is a picture to induce sobs from those who like their movies tearful...Margaret Sullavan makes her screen debut and establishes herself as an emotional actress."

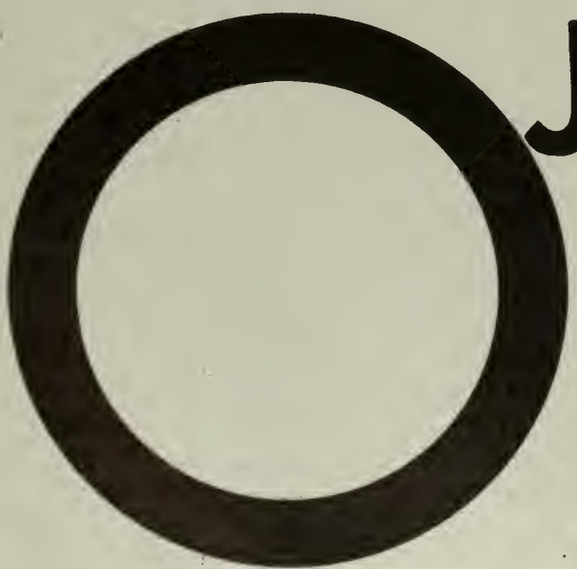
N. Y. World-Telegram:

"Still another picture which comes under the head of 'drop everything and see it at once' attractions is 'Only Yesterday' . . . A beautifully tender, sweet and charming love story, it features a new star, who most certainly demonstrates here that she is one of the finest actresses the screen has yet lured away from the stage."

N. Y. Post:

"Margaret Sullavan managed . . . to extort loud and anguished sobs from yesterday's audience...'Only Yesterday' belongs among the superior Hollywood productions."

JOHN M. STAHL'S



NLY Y

YOU SO!

Go Us One Better!

N. Y. Sun:

"The dramatic critics had better stop praising these newcomers — if they wish to keep them to have and to hold. Bless their discerning hearts, they have praised Margaret Sullavan straight into talkie stardom."

N. Y. Herald Tribune:

"As the tragic and lovelorn heroine of the shrewdly devised sentimental orgy called 'Only Yesterday,' Margaret Sullavan plays with such forthright sympathy, wise reticence and honest feeling that she not only assures the economic success of the picture, but establishes herself with some definiteness as one of the cinema people to be watched."

N. Y. Times:

"Margaret Sullavan gives a sterling performance . . . This romantic drama is imbued with genuinely affecting sentiment and occasional interludes of gentle humor."

•

GREATEST PRODUCTION
FOR UNIVERSAL

MARGARET
SULLAVAN
JOHN BOLES

Billie Burke, Edna May Oliver, Reginald Denny, Benita Hume, Onslow Stevens, Jimmie Butler and many others. Produced by Carl Laemmle, Jr. Suggested by the book by Frederick Lewis Allen. Presented by Carl Laemmle.

ESTERDAY

Warner Loss For 1933 Is Reduced 55%

(Continued from page 1)

earned after deduction of all charges, including interest, amortization and depreciation, Harry M. Warner, president, states in a letter to stockholders which accompanies the report.

A reduction of 78 per cent in net loss was shown for the final quarter ended Aug. 26, as compared with the corresponding period a year ago. The net loss for the final quarter this year was $1,269,973, as compared with a net loss of $5,852,298 for the same period last year.

In addition to the operating loss for the year, a net charge of $1,176,591 has been made to deficit, the report states. The item is said to include losses of a non-recurring nature. Mortgages and funded debt were reduced from $96,922,500 as of Aug. 27, 1932, to $90,627,930 as of Aug. 26, of this year, "without making any substantial change in the cash position of the company," the report states. Cash on hand was $2,831,123, Aug. 26, as compared with $2,928,645 a year ago.

Loss Cut Though Grosses Fell

The report points out that "although film rental and box-office receipts for the year ended Aug. 26, 1933, show a substantial reduction as compared with the previous year, the net loss this year shows a decrease of 55 per cent as compared with the previous year."

Due to the failure of the company to pay a preferred stock dividend since March 2, 1932, stockholders will be entitled to elect six directors, constituting a majority of the Warner board, to succeed the directors whose terms expire Dec. 11, the date of the next annual meeting of the board, Warners' letter to the stockholders declares.

The letter adds that the funded indebtedness of the company maturing within one year amounts to $8,151,950, including $3,345,850 of sinking fund and mortgage installment payments. It is indicated that efforts will be made to renew the mortgages as they mature.

"Forty-second Street," "Gold Diggers of 1933" and "Footlight Parade" are cited in the letter as the company's most successful properties of the year.

Fox to Put 11 Into Work by Christmas

(Continued from page 1)

O'Brien; "Coming Out Party," "Woman and the Law," "Dissolution," co-starring Sally Eilers and Victor Jory; an untitled Wurtzel production; "David Harum," starring Will Rogers; "The Fox Movietone Follies"; an untitled Buddy De Sylva production; "Lottery Lover," starring Lilian Harvey, and "All Men Are Enemies."

Indiana House Burned

INDIANAPOLIS, Nov. 12.—Fire has destroyed the Indiana at Bloomington. It was operated by Harry Vonderschmitt, who also controls houses in Crawfordsville, Bedford and Greencastle. The damage is estimated at $100,000.

Loew's May Not Get Poli Group; F. & M. Mentioned

(Continued from page 1)

Cohen, representing F. & M. Sagal would not reveal identities of negotiators, but said he would operate the houses until they are turned over to the circuit making the best proposition.

According to reports last week, Loew's was understood to have come to an agreement with Sagal which provided for a rental of $10,000 a week for the group. Reorganization plans were recently approved by the court and provide that the houses be turned over to a management group for a term of three years.

RKO and KAO Stock Transfer Approved

(Continued from page 1)

ceivership and Orpheum bankruptcy was questioned. William J. Donovan, counsel for Irving Trust Co. as receiver for RKO, told the court that continuance of the exchange would be in the best interests of the company. He said that about 30,000 stockholders were involved and while it was not practicable to communicate with all of them, no objections to the continuance of the exchange had been made by either Paul Mazur of Lehman Bros., as chairman of the stockholders' committee, or by RCA, the two largest stockholders' groups.

The exchange is on the basis of three shares of RKO common for each share of K-A-O preferred; one share of RKO common for one share of K-A-O common; two shares of K-A-O common for each share of Orpheum, and one share of RKO common for one share of Orpheum.

Texas Towns Report Pick Up in Business

HOUSTON, Nov. 12.—In Houston, Dallas and Fort Worth, exhibitors and equipment dealers report a general improvement in business. Attendance at theatres has increased and sales for equipment are considerably better than last year. There are excellent prospects for a still better business during the winter months, and many exhibitors contemplate raising admissions. Ten-cent scales are expected to become a thing of the past.

In most of the small towns the average admission for specials runs from 25 cents up to 35 cents.

"Tonight," $64,000, Tops B'way Grosses

Smash hits were absent among Manhattan first runs last week. "After Tonight" reached $64,000 at the Music Hall, but this was a drop from some of the recent high grosses there.

"Berkeley Square" took $15,791 at the Palace; "Kennel Murder Case" in its second week at the Rialto, was good for $10,200; "My Lips Betray" and a stage show garnered $28,000 at the 7th Ave. Roxy, and "Eat 'Em Alive" took $6,187 at the Cameo.

Vaude Back in Vancouver

VANCOUVER, Nov. 12. — Pantages vaudeville has gone into the Beacon to play with a feature picture and one short subject. This is a sort of an "old home week" for that circuit, as the Beacon, one of the oldest theatres in town, was formerly called the Pantages.

When Pantages disposed of his houses, this one was dark for a year, then played pictures exclusively, experimented with vaude, and has finally settled on Pantages circuit again, with no change in ownership. Roy McLeod is manager.

Studio Chest Drive Has $24,212 Start

HOLLYWOOD, Nov. 12.— First four days of the Community Chest drive within the industry here netted the chest a total of $24,212 from the major studios which has a goal of $200,000 to reach. This amazing start was confirmed to B. B. Kahane, chairman of the committee, by L. B. Mayer, Joseph M. Schenck, Jack Warner and Fred Beetson. Of the amount collected Radio reported $1,612; M-G-M, $13,500; Fox, $3,250; 20th Century $2,400; Warners, $2,300.

A meeting of the committee in charge of the independent studios and other miscellaneous groups was held today under the chairmanship of Fred Beetson and decided their budget would be set at $19,000, making a total of $219,000 that the chest expects to receive from film workers here.

Coast Writers Fight O. K.'s Upon Stories

HOLLYWOOD, Nov. 12.—A delegation of local fan magazine writers are raising a protest against interference by major studios in interviews, the studios having forced an issue that all stories must be okayed after the writing.

A party of 25 feminine scribblers journeyed to Paramount this week to object to the company's policy on Mae West. The delegation plans a trip to M-G-M in the next few days to file a complaint on the Garbo setup. The idea seems to be that the magazine writers want the same freedom of the press as newspaper scribes have.

Canadian Managers Shift

TORONTO, Nov. 12.—Western changes in the Famous Players circuit include the appointment of Walter F. Davis, formerly of the Winnipeg Uptown, to be manager of the RKO Capitol. L. C. Straw of the Capitol goes to Port Arthur, replacing Arthur K. Graburn at the Colonial. Graburn is transferred to the Capitol at Trail, B. C.

Akron Exhibitors Shift

AKRON, O., Nov. 12.—The independent setup has been materially changed here as a result of the secession of the local group from the M. P. T. O. of Ohio, and its affiliation with the Cleveland M. P. Exhibitors' Ass'n.

St. Louis Skouras Company Bankrupt

(Continued from page 1)

Sept. 19, shortly after Circuit Judge Hamilton had dismissed a state receivership against the company. This week he assessed the costs in that case against the plaintiff. On orders from Judge Hamilton, the former state court receivers Jesse W. Barrett and Walter H. Nohl turned the assets back to the company, which is controlled by Warners.

Bombers in Chicago Greet "The Bowery"

CHICAGO, Nov. 12.—During the showing of "The Bowery" at the United Artists real Bowery tactics were tried, but it was not a tieup for the picture.

Vandals placed two stench bombs in the theatre and when the word got around, 184 patrons asked and received their money back. The affair was kept quiet and didn't reach the press.

"Yesterday" Starts Coast Ticket Rush

HOLLYWOOD, Nov. 12.—Pantages opened here after eight months with every seat in the house sold out a day ahead for Universal's "Only Yesterday," which played at $2 top.

Many last minute tickets scrambles by studio players were fruitless, with several of Universal's top-notchers being left out in the cold.

"Yesterday" Aids Charity

KANSAS CITY, Nov. 12.—The Fox Uptown went to bat in a big way for the Allied Charities drive by staging a "premiere" of Universal's "Only Yesterday." Tickets were $1, and many paid more than the suggested amount. All proceeds went to charity, as the house and employes' services, as well as the film, were furnished gratis.

Fox Midwest Theatres are listed as having contributed $500 to the charity drive.

Fairbanks After Studio

LONDON, Nov. 12.—Douglas Fairbanks, Jr., and Sr., are reported to be dickering for the Rex Ingram studios at Nice for future production activities. The plant is controlled at present by Gaumont Franco-Aubert.

Warners Readying Six

HOLLYWOOD, Nov. 12.—"Easy to Love," "The Big Shakedown," "Lady Killer," "Dark Hazard," "Convention City" and "Bedside" are now in the cutting room at the Warner studios being readied for early release.

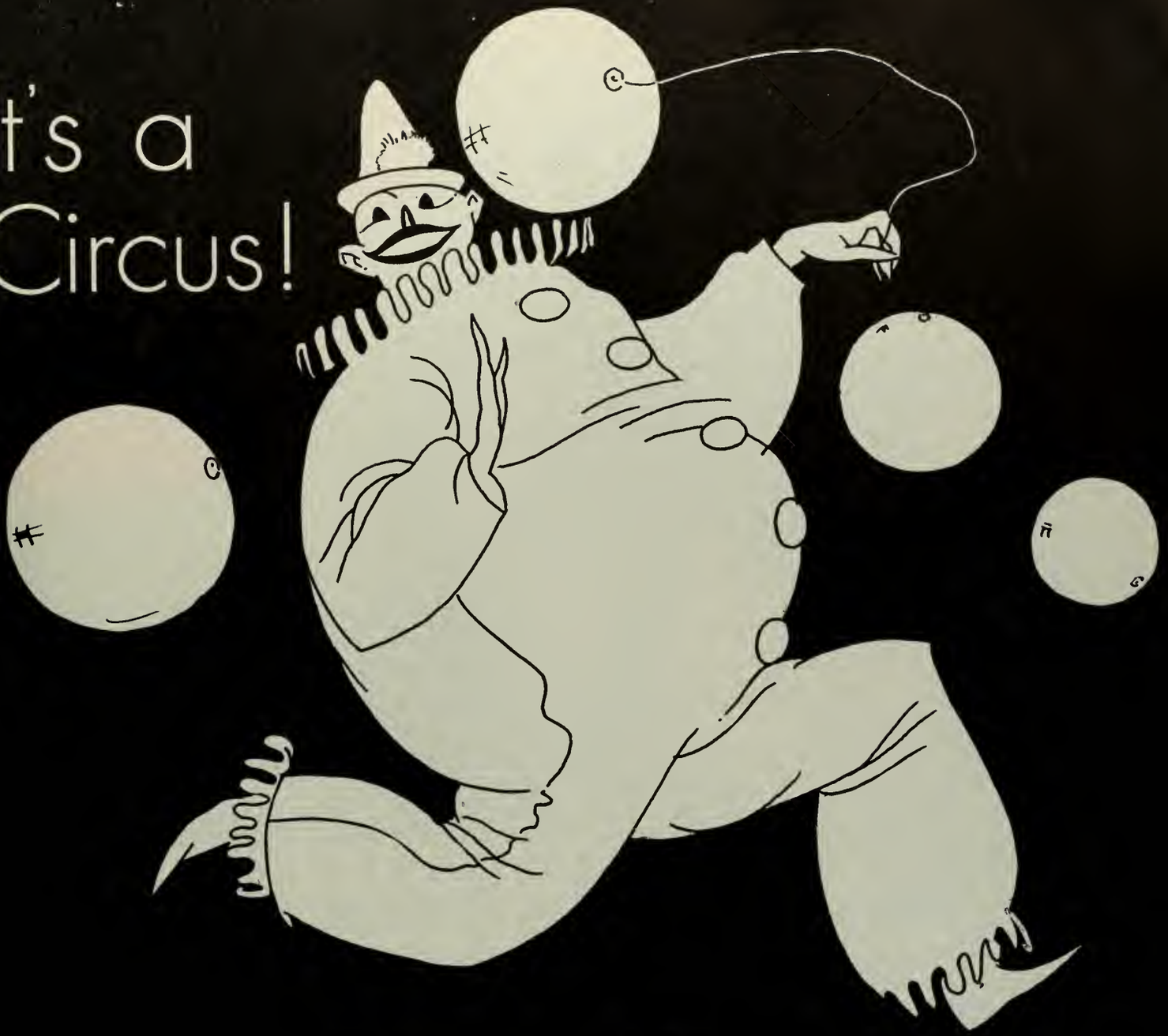
Lloyd Bacon Celebrating

HOLLYWOOD, Nov. 12.—With the start of "Wunder Bar," Lloyd Bacon this week celebrates his tenth year as a Warner director.

26 Vitaphones in Feb.

Vitaphone will release 26 shorts during February, Norman H. Moray states.

It's a Circus!



Dinner–Dance

of the

Universal Club

(UNIVERSAL PICTURES CORPORATION)

GRAND BALL ROOM • WALDORF ASTORIA HOTEL

Saturday Evening, November 25, 1933

DINNER AT 7.30 • ENTERTAINMENT AND DANCING
FROM THEN ON • MAKE YOUR RESERVATION NOW
CALL UNIVERSAL CLUB, CIRCLE 7–7100

Tickets – – – $7.50 per Person

Flashes from the
THE BEGINNIN
APPLAUS
BERED
Katharine
HEPBURN
in
LITTLE
WOMEN
With
JOAN BENNETT
PAUL LUKAS
FRANCES DEE
JEAN PARKER
Edna May Oliver
Douglass Montgomery
Henry Stephenson
Directed by GEORGE CUKOR, MERIAN C. COOPER, executive producer, Kenneth Macgowan, associate producer.

Hollywood Preview . . .

OF A NATION'S THUNDEROUS FOR "A PICTURE THAT WILL BE REMEMTALKED ABOUT AND RELEASED LONG AFTER THIS GENERATION HAS PASSED"

"Honestly, reverently and beautifully made, with Katharine Hepburn and her supporting players happily fitted to the film version, "Little Women" is superbly done and impressive."

Daily Variety — Oct. 31, 1933

★

"..... showmen's dream of the ideal attraction —and that means a golden rain across the counters of every theatre in the country until the superstitious exhibitor will begin to believe that Hepburn was put on earth especially to lead him out of the wilderness of depression.....

"..... Artistically, it can be declared the finest production Radio has ever turned out. It will challenge comparison with the best productions that have come from any other studios. It's no trick to predict that it will be listed among the masterpieces of the industry by critics of all canons and degrees of fastidiousness.....

"....."Little Women" is a picture for the classes and the masses—for Main Street and Park Avenue —for the man who can't read or write and for the wizard who is master of 14 languages—for young and old, for boys, girls, men, women.....

"..... The box-office will tell the final story on "Little Women"—and what a story it will be!— but the entire motion picture industry and the American public can rejoice that 1933 gave them this picture, whatever disappointments it may have passed out during its run."

Hollywood Reporter, Oct. 31, 1933

HOT . . . From HOLLYWOOD!

By GWYNN.

(Special to the Daily Mirror by Telegraph.)

HOLLYWOOD, Nov. 1.—The preview in Hollywood last night of "Little Women" almost caused a minor flood around the theatre where it was shown. As the film unwound, men, women and children wept copiously and unashamed into the aisles, nearly drowning a couple of ushers. But what a picture! It is an orgy of tears, but beautifully balanced with smiles, and the simplicity and beauty of George Cukor's direction put him second to none in the megaphone ranks. Katharine Hepburn outshines even her former performances, and Joan Bennett, Paul Lukas, Jean Parker, Frances Dee—in fact every member of the cast is someone to rave about. You won't be sorry that this classic of your childhood days has been sereened—and we had to give you an advance notice—because we're that enthused about it.

PROUDLY PRESENTED TO THE THEATRES OF THE WORLD BY

RKO-RADIO PICTURES

• Looking 'Em Over •

"Good-Bye Love"

(*Radio*)

The love affairs and consequent entanglements of Sidney Blackmer and Charles Ruggles, with the latter not apparently in best form, may go over with neighborhood audiences. However, this independently produced picture by Joseph I. Schnitzer and Samuel Zierler for Radio release only makes for mild entertainment. Ruggles' and Blackmer's names may help draw them in.

Having alimony trouble with Mayo Methot, Blackmer, a banker, maneuvers his stock to a new low to cut the weekly payment. He is engaged to Veree Teasdale, who is out after his money. Ruggles having difficulty meeting his alimony payment, is given $2,500 by Blackmer, his boss, to pay off, but instead goes to Atlantic City for a good time. There he meets Miss Teasdale and has an affair with her after he poses as Sir Oswald Groggs. The girl disappears leaving Ruggles to pay the bills.

When Ruggles, the butler, returns home he finds his master marrying Miss Teasdale. Blackmer and Ruggles plot to get even with the fortune hunter. Miss Teasdale falls for the ruse and this leaves Blackmer free to marry his secretary, Phyliss Barry, who has loved him for a long time without being emotional about it.

When Miss Teasdale learns Ruggles' status she passes out, leaving him to carry on his further adventures as he pleases. George Roesner and Richard Tucker also are in the supporting cast. Bruce Humberstone directed.

"Tillie and Gus"

(*Paramount*)

Loads of laughs in this one with W. C. Fields again up to his old tricks and Alison Skipworth contributing swell support. Their antics kept a Rialto Theatre audience continually breaking out in laughter. It's a tonic for the blues and a treat for the b. o.

Enjoying their wedded life by being separated in different parts of the earth, Fields and Miss Skipworth, who have not been doing so bad on their own, are brought together by Jacquelin Wells and Clifford Jones. Miss Wells' father has passed away and the comedians are among the beneficiaries. When they arrive they find that all but the family steamboat is left of the estate. Clarence Wilson, a crooked attorney, having taken care of the other items for himself. When Wilson's offer to buy the steamboat is turned down, he tries to take the franchise away. He has his steamboat race with Miss Wells' with the winner to get the franchise. Fields fixes it so the conniving lawyer loses out, the event resulting in the reconciliation between him and his wife.

Baby Le Roy again charms audiences as the offspring of the Joneses. George Barbier, Edgar Kennedy as well as others mentioned above do nice work in making this comedy unusually entertaining. Douglas MacLean produced, with Francis Martin handling direction.

"Ace of Aces"

(*Radio*)

Radio's scenario department stirred around among the fading memories of the war for a new angle on the psychological reactions of two young lovers in those stirring times and chose an aviation background. The resulting film is spectacular at times, but it presents the hero as a heartless killer seeking nothing but his personal glorification while earning the contempt of his fellow officers.

This leaves the girl in the story, Elizabeth Allan, with the only sympathetic role. Pacifists may think it's great, but the mass of the movie-going public who like to think of war aces as super-men to be idolized may not. A Palace audience maintained a chilly silence throughout.

At the outbreak of war Richard Dix is a sculptor engaged to Miss Allan. She is thrilled by the pageantry of marching regiments and enlists as a nurse. He tries to convince her the killing of one's fellow men is something to be despised, and she calls him yellow. He becomes an aviator—a lone wolf flyer who waits in the blinding sun above all other flyers and swoops down on his prey. They meet in Paris while he is on a 48-hour leave, and he tells her he wants a woman on his own terms. She recoils, but accepts later.

Later he kills a young German flying cadet who flies over the American lines to drop a message saying one of the American flyers has been wounded. On a later flight he shows his first signs of regret and, in a moment of hesitancy, is wounded.

Even this final flight, when he becomes human for the first time, is made after a contemptuous denunciation by a superior who has ordered him to stick with his squadrons and help protect his associates. It's a difficult role.

"The Way to Love"

(*Paramount*)

Light, gay throughout, with a few serious moments here and there, and a series of ingenious gags that kept a Paramount audience chuckling —that's "The Way to Love." Maurice Chevalier sings a song now and then, but the musical angles are subordinated to the comedy.

Chevalier is a handy man in a quaint Parisian shop run by Edward Everett Horton, who photographs customers, gives them sun-ray treatments and advice to the lovelorn, and sells them curios. Chevalier's chief ambition is to become a uniformed guide.

In the course of his gay wanderings he saves a dog's life and the animal becomes an important part of the story thereafter. Romance creeps in when he shelters Ann Dvorak, browbeaten ward of a knife thrower in a carnival, who has run away. He takes her to an odd roof-garden atop a garage where he lives with a Moulin Rouge dancer and a young American pianist.

On the day he achieves his ambition to become a guide Horton's wife goes to Miss Dvorak and convinces her she should quit Chevalier for his own sake, as she wants him to marry her niece. Disconsolate, he and Horton start out on a toot, and from then on the story is one smart gag after another until he finds Miss Dvorak again at the carnival.

As Vic Shapiro indicated in his Hollywood preview in MOTION PICTURE DAILY of Sept. 20, "it's swell entertainment."

"The Mad Game"

(*Fox*)

An indictment against kidnapping with Spencer Tracy in a virile role as a beer baron turning the tables on his pals who double-cross him. The exploitation possibilities are numerous for getting the public's quick attention on this one. Tracy, while at first a law breaker because of his beer-running activities, later elicits sympathy when he becomes an agent of the government and dies a martyr to the cause he once fought. Ralph Morgan does exceptional work in a small role. Claire Trevor and J. Carrol Naish can be credited with a swell performance.

Double crossed by his sweetheart, Kathleen Burke; John Miljan, his lawyer, and Naish, his henchman, Tracy is sent to the pen for five years. While he is there Naish takes over the reins as head of the gang and with the advent of 3.2 beer the new leader turns to kidnapping. Seeking revenge, Tracy gets the warden to fix it with Morgan to let him try to round up the kidnappers. Morgan's son and daughter-in-law are captured by the gang and with the aid of Miss Trevor, a sob sister on the *Daily News*, the hero corners the snatchers. It costs him his life to prove his trust, but he's happy he did it.

Sol Wurtzel produced and Irving Cummings directed.

"March of Champions"

(*Paramount*)

A short that takes the audience "back when" in the world of sports. Some of the greatest figures in sports are shown as they were a decade or so ago. The thrilling thing of it is that they are shown in action. Jack Dempsey, Gene Tunney, Johnny Weissmuller, Gertrude Ederle, Babe Ruth, Bobby Jones, "Red" Grange and the Four Horsemen of Notre Dame move across the screen as they were at the height of their athletic glory. This is a Grantland Rice Sportlight. Running time, 10 mins.

"Death Attends a Party"

(*Bray-Columbia*)

One of the Minute Mysteries series, which gives the audience a chance at solving the crime pictured before offering the solution. In this, the clue which reveals the case to be a murder instead of a suicide appears rather flimsy but does not lessen audience interest in the film as a whole, which stacks up as a good addition to a series which has plenty of possibilities as a patronage builder. Running time, 9 mins.

"Parade of the Wooden Soldiers"

(*Paramount*)

Another of the Betty Boop series of animated subjects and plenty amusing. It has Betty in a toy shop with the articles coming to life. When King Kong breaks loose it looks like curtains for a while, but the soldiers and animals merge forces to vanquish the mammoth ape. There's some catchy music to boot. Running time, 8 mins.

"Below the Deep"

(*Principal*)

Paul Goodman collected a number of silent shots taken in tropical waters, pieced them together and added a running monologue to describe the story of Tagu, a native chief, who tries to shoo off the American pearl hunters. He gets himself into all sorts of trouble with the Americans, but they are finally cleared up. Richard Arlen and Virginia Browne Faire are among the Americans who cause the trouble. Running time, 20 mins.

In Almost Any

FEATURE PICTURE

. . . you are now likely to find sequences demonstrating that ingenious technical device, the composite shot. The foundation for those sequences is most likely to be Eastman Background Negative. Because of its amazingly fine grain, this special new film has been found ideally suited to the "shooting" of backgrounds that are to be projected and rephotographed. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN

Background Negative

"My Heart" at $43,000 with Loop Falling

CHICAGO, Nov. 12. — Decline of World's Fair patronage was reflected in first run grosses last week. "Ever in My Heart," with a stage show which included Sally Rand, gave the Chicago $43,000. This is $8,400 over average, but is a sharp drop from recent weeks.

"Ann Vicker," also with a show, gave the RKO Palace a very good $27,000.

Total first run business was $129,000. Average is $120,000.

Estimated takings:

Week Ending Oct. 31:

"I'M NO ANGEL" (Para.)
ORIENTAL—(3,940), 30c-40c-60c, 7 days. **Gross:** $31,000. (Average, $23,000.)

"THE BOWERY" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 3rd week, 7 days. **Gross:** $9,500. (Average, $17,000.)

Week Ending Nov. 2:

"EVER IN MY HEART" (Warners)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: James Melton, Sally Rand, Stan Kavanaugh, Nell Kelly, California Red Heads and others. **Gross:** $43,000. (Average, $34,600.)

"ANN VICKERS" (Radio)
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Phil Baker Revue with Irene Beasly, Buck & Bubbles and others. **Gross:** $27,000. (Average, $22,000.)

Week Ending Nov. 3:

"KENNEL MURDER CASE" (Warners)
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $11,000. (Average, $13,000.)

"TARZAN, THE FEARLESS" (Principal)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $11,000.)

"Way to Love" and Show Big in Omaha

OMAHA, Nov. 12.—"The Way to Love" brought the Paramount a nice week at $8,500 with the help of a stage show, "Hollywood on Revue." The company included James Hall, Agnes Ayres and Babe Kane.

At the Orpheum, "Meet the Baron" did not come up to expectations, but was well in the black at $7,500. "The Worst Woman in Paris" was the rest of the double bill. "Lady for a Day," holding over for a second week at the Brandeis, was big at $5,000.

The World slipped to about $4,750 with "Stage Mother" and "Golden Harvest."

Total first run business was $25,750. Average is $25,600.

Estimated takings:

Week Ending Nov. 1:

"THE WAY TO LOVE" (Para.)
PARAMOUNT—(2,900), 25c-35c-50c, 7 days. **Gross:** $8,500. (Average, $7,500.)

Week Ending Nov. 2:

"LADY FOR A DAY" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000.)

"STAGE MOTHER" (M-G-M)
"GOLDEN HARVEST" (Para.)
WORLD—(2,500), 25c-35c, 7 days. **Gross:** $4,750. (Average, $5,850.)

Week Ending Nov. 3:

"MEET THE BARON" (M-G-M)
"THE WORST WOMAN IN PARIS" (Fox)
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $7,500. (Average, $7,250.)

"Lips," Show $28,000

"My Lips Betray" and the stage show at the 7th Ave. Roxy grossed $28,000 for the week ending Nov. 9.

Harris Takes Old Alvin

PITTSBURGH, Nov. 12.—John Harris has taken over the Old Alvin and plans to reopen it as a first run on Thanksgiving Day. He is now rushing alterations. This will make the fifth first run in the downtown area.

Hill Short for Music Hall

First of the Edwin C. Hill series being produced and distributed by Master Arts has been booked for the Music Hall. It deals with the "Story of the Roosevelt Family in America." Loew's is the latest circuit to book the entire Hill series.

Indianapolis Lyric Open

INDIANAPOLIS, Nov. 12.—The Lyric, which closed some weeks ago when union difficulties cropped up, reopened recently with a straight film policy. When the house closed it was running vaudeville with shorts and newsreels. The house is owned and operated by Charles M. Olson.

"Deft direction... delightful humor... stirring pathos." *Photoplay Magazine*

•

THE MOST GLORIOUS LOVE STORY SINCE "7th HEAVEN"!

A Man's Castle

A FRANK BORZAGE *Production*

with

SPENCER TRACY — LORETTA YOUNG

Screen play by Jo Swerling
From the play by Lawrence Hazard

•

A COLUMBIA PICTURE

A Screen Guild Picture

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 114 NEW YORK, TUESDAY, NOVEMBER 14, 1933 TEN CENTS

REPEAL REGARDED AS THEATRE HELP

Cantor Visit May Set Code Signing Back

Will See President in Georgia on Nov. 21

Invitation of the President to see Eddie Cantor on Nov. 21 at Warm Springs, Ga., to discuss the actors' side of the proposed industry code presages another delay in the signing of the draft. Cantor, who is president of the Screen Actors' Guild, represents 1,300 actors in Hollywood and yesterday stated at a Sardi luncheon he feels the President "has been misin-

Eddie Cantor

(*Continued on page 6*)

Labor Board to Get Code Controversies

NEW ORLEANS, Nov. 13.—The regional U. S. Labor board here will have charge of controversies arising under the code, when adopted, according to Rev. Peter M. H. Wynhoven, chairman of the board.

The board consists of W. H. Alexander, president Feibleman, Inc.; James Dempsey, Central Trades and Labor Council; G. C. Muench, Celotex; Z. D. Nichols, Carpenters' Union; C. H. Behre, Pelican Ice; William Ruth, president, Building Trades Council; E. J. McQuirk, Leyland Lines; Louis Sahuque, Pressmen's Union; J. X. Wegman, Lafayette Fire Insurance; G. L. Pickett, Machinists' Union; Rev. Mr. Wynhoven, chairman.

It is expected that labor unions will appeal to the board for a hearing on Loew's State and the Saenger houses as soon as the code is effective.

Local Board Names Pile on Rosenblatt

Recommendations for the personnel of local zoning and grievance boards are understood to be pouring into Deputy NRA Administrator Sol A. Rosenblatt's office in Washington. Prominent exhibitors and exchange men in every key city are said to be among the names submitted.

Tops Fan Mail

Hollywood, Nov. 13.—Dick Powell, who has been in pictures only one year, is dragging in more fan mail than any star on the Warner lot, according to the studio. He is now being tabbed as the only m. of c. to make good on the screen.

Limitation of Wage Clauses Up to Johnson

WASHINGTON, Nov. 13.—Decision as to whether the order of the Recovery Administration policy board requiring wage classifications to be limited to four classes of unskilled labor shall be applied will be asked of Administrator Hugh S. Johnson upon his return to Washington tomorrow.

That the film code has been held in suspension by Colonel W. R. Lea, acting administrator, because of the fact that objection was taken to the

(*Continued on page 6*)

Rosenblatt Silent On Signing of Code

Sol A. Rosenblatt, NRA deputy, was unable to say yesterday when the code would be forwarded to the White House for President Roosevelt's signature, Ed Kuykendall, M.P.T.O.A. president, declared following a conversation with Rosenblatt during the day.

Similarly, Kuykendall was unable to obtain any further information on the subject from Colonel W. R. Lea,

(*Continued on page 6*)

Iowa Allied To Go On As Independent

ANAMOSA, Ia., Nov. 13.—Allied Theatre Owners, Inc., of Iowa, intends to go its own way and continue under its own name as a result of the action taken by Allied States Ass'n, C. L. Niles, president, has informed Abram F. Myers.

Niles says approval of the code was given by Iowa independents represented by Allied after "two days of careful consideration" and the action was unanimous. Similar action had been taken previously by Nebraska men meeting at Omaha. Niles makes it clear that the organization will

(*Continued on page 2*)

Plunkett-RKO Suit Is Reported Ended

An out-of-court settlement of a suit for compensation for personal services brought by Joseph Plunkett against RKO, and pending for some time, was reported yesterday to have been

(*Continued on page 8*)

Films to Share Tax Easement on Repeal

WASHINGTON, Nov. 13.—Repeal of the 18th Amendment will nullify a number of taxes carried in the National Recovery Act with a provision

(*Continued on page 3*)

Purchasing Power Seen Rising with Liquor's Legal Return

Distribution and theatre executives, for the most part, foresee stimulated theatre attendance resulting from repeal of prohibition, but several, while not prophesying a decline in attendance, feel that the return of open and legal imbibing will have practically no effect on the box-office one way or another.

The chief reasons cited for the belief that attendance will be aided are the increase in employment and purchasing power attendant upon the springing up of the new legal beverage industry, on the one hand, and its ability to attract additional numbers to theatrical districts, on the other.

Those who believe it will have only an insignificant effect on theatre attendance, or no effect at all, contend that repeal will not importantly alter the drinking habits of the public, and that that portion of the public which takes its drinking seriously never has

(*Continued on page 3*)

Price War Threat Stirs Up St. Louis

ST. LOUIS, Nov. 13.—A threat to go to a 10-cent admission fee for adults and five cents for children has been made by independents in protesting against the price war now raging among first runs.

In an effort to bring peace, conferences have been held with Harry Koplar, representatives of F. & M., who are operating the St. Louis, and other first run managers, but nothing

(*Continued on page 3*)

Wood Asks Ohioans To Back Sales Tax

COLUMBUS, Nov. 13.—On the eve of the independents' move to organize a new exhibitors' association here on Wednesday, P. J. Wood, business

(*Continued on page 3*)

Bliss Here, Foreign Heads Delay Confab

Due to the arrival of Don C. Bliss late last night from Prague, foreign managers of all distributing companies yesterday postponed the meet-

(*Continued on page 8*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Sitting Pretty"

(*Rogers-Paramount*)

HOLLYWOOD, Nov. 13.—"Sitting Pretty" is tuneful musicomedy romance with Jack Oakie, Ginger Rogers, Thelma Todd, the Pickens Sisters and Arthur Jarrett. Jack Haley, comparative newcomer to the screen, gives Oakie a run for the spotlight.

The story follows the ups and downs of two song writers, rising from a publishing house in Manhattan to the studios in Hollywood. The film gives some new inside slants behind the scenes.

(*Continued on page 8*)

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Warner Executives Quit the Academy

HOLLYWOOD, Nov. 13.—Though Jack and Harry Warner resigned from the Academy of M. P. Arts and Sciences several weeks ago, they had kept the matter secret in the hope they would rejoin it, it was revealed today. Six other members of the Warner studio resigned within the past week. Howard Green declares this will not affect the Academy's plans for the future.

ITOA Group Confers With Levy at Radio

Directors of the I.T.O.A. yesterday conferred with Jules Levy, general sales manager of RKO Radio, to discuss percentages and preferred playing time.

Last week the exhibitors' group met with Felix F. Feist and W. F. Rodgers of M-G-M on the same subject.

Para. Sales Heads Set to Gather Here

Annual special meeting of Paramount division and district managers will be held the end of the week for a general discussion on sales. It will be a three-day affair, to be presided over by George J. Schaefer.

Wax Reviving Supreme

Moe Wax, former head of Supreme Screen Service, is reorganizing the company, which has been inactive for the past several months and, with new financing, is planning production of a new low-priced trailer.

Most compelling motion picture this reporter can recall, bar none."—N.Y. Herald-Tribune.

Forgotten Men

For Bookings and State Rights Wire
JEWEL PROD., Inc., 723 7th Ave., New York City

Insiders' Outlook

THEY guffawed. In fact, the inclination was to laugh loud and long over that Washington explanation of why the code has not been signed. Union labor was the first obstacle cleared in the Washington conferences, but now comes NRA word that classifications have to be changed around because General Johnson so ordered a few weeks ago. O. K. to designate what unskilled labor is to be paid and how long it is to work, but skilled hands have to thrash it out with the studios. The "it doesn't make sense" rejoinder of the one man above all others who ought to know just about sums up the New York reaction to the latest on the code. . . .

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What really is going on is something like this: The third NRA draft is the one which will hold, probably with slight changes. However, in the face of the farm revolt in the Middle West and newspaper criticism of the NRA from the freedom-of-the-press angle, the administration has determined to move slowly. There seems to be no desire to jam through any code—film or otherwise—to which objections have been registered. The plan appears to call for an airing of all disgruntled viewpoints. Witness, the hearings accorded Allied. Witness, again, the actors' plaints to be heard by the President at Warm Springs a week from today. . . .

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It doesn't follow at all, on the other hand, that changes will be made. The inclination is rather well defined now and it provides for enactment of the code, following the letting off of accumulated and sundry steam, on a trial period basis. Switches, it has been explained, may be made thereafter and often. In that regard, witness what's happened in the grocery trade, where the code has been overhauled a dozen or more times. In the interim, the film code's getting to be a standing industry joke. It may be serious business to the NRA and Sol Rosenblatt, but it's a stiff pain in the neck to the trade. . . .

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Confidential reports, off the liners from London indicate the gold rush days in British production are over, or nearly so. What's been going on over there has been a constant reminder to American film men of days that prevailed in this market about ten years ago. New issues have been easy to float, but no longer are. This traces to two kinds of failures. One, company failures as corporations. Two, failure of promises of big profits to materialize. . . .

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A popular method of financing in vogue on the other side has called for a fifty-fifty split between studio and distributor. There is plenty of reason to credit reports that the studio end of this kind of deal has been very difficult to check and that, in some instances, the distributor has been carrying most of the load, if not all. Yet, as these arrangements have been set up, the studio has retained foreign rights while all the distributor got was England. The result is declared to be considerable dissatisfaction, a threatened interruption in the flow of British production and a possible new deal in the financing system as now constituted. . . .

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Buying a certain picture blind with a well-known star has resulted in the Music Hall paying the distributor $7,500 for the film after taking a peek. Decision, in

(*Continued on page 3*)

Most Issues Show Loss

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22½	22½	22½	.....	100
Consolidated Film Industries	3⅛	3	3	.....	200
Consolidated Film Industries, pfd	10	9½	9½	— ⅛	1,700
Eastman Kodak	74¼	74	74	—1	200
Eastman Kodak, pfd	126	126	126	— ⅛	1,000
Fox Film "A"	14⅝	14⅝	14⅝	— ¼	200
Loew's, Inc.	29½	28⅝	28⅝	— ⅜	500
Paramount Publix	1⅝	1½	1⅝	.....	300
Pathe Exchange	1¼	1¼	1¼	— ⅛	300
Pathe Exchange "A"	8	7⅝	8	.....	100
RKO	2½	2½	2½	.....	300
Warner Bros.	6¾	6⅜	6½	— ¼	2,600

Technicolor Up Three Eighths

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	5/16	5/16	5/16	.....	100
Technicolor	10⅞	10½	10⅞	+ ⅜	200

Warner Bros. Minus One Half

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	3½	3½	.....	5
Keith B. F. 6s '46	45⅜	45⅜	45⅜	.....	3
Loew's 6s '41, ww deb rights	82	82	82	.....	2
Paramount Publix 5½s '50	26¾	26¾	26¾	.....	4
Warner Bros. 6s '39, wd	41	40½	40½	— ½	27

Iowa Allied To Go On As Independent

(*Continued from page 1*)

come to the defense of Lester F. Martin, who has been dismissed from the Allied States board of directors and has submitted his resignation to Allied of Iowa and Nebraska.

In his letter to Myers, Niles says notices of the action taken at the Chicago mass meeting of Allied were mailed into the Nebraska and Iowa territory "without the knowledge of this local unit."

"We have notified the Administrator of our approval of the code," Niles writes. "At the same time, we propose to recommend to the Administration proper names to function on the local boards in an effort to assist the Administration in any way that lies within our power.

"Allied Theatre Owners of Iowa, Inc., is a corporation, organized not for pecuniary profit, and was formed prior to any affiliation with Allied States Ass'n. We will continue to function as an independent theatre owners' organization under our original name and articles of incorporation, operating locally, if this is the pleasure of the board of directors and the theatre members.

"In your wire you advise that Martin was dismissed from the board of directors on Oct. 24. If such is the case, may I inquire as to why he was named on the protest group, according to trade publications that appeared on Oct. 25, if he had previously been dismissed from board of directors?

"Because of this criticism against Martin, he has voluntarily presented his resignation to our local organization. The board will meet and consider this matter in a few days and at the time you will get an answer as to our respect for his ability and fairness in dealing with local problems.

"We think your criticism and action very unjust against a man who has presented these matters in a straight-forward manner without any attempt to influence the independent exhibitors in this territory. Further action in this direction will undoubtedly come from the exhibitors themselves.

"A copy of this letter and a copy of your wire are being forwarded to Sol A. Rosenblatt, together with further comments in this direction."

Senate Committee to Probe Fox Westco

HOLLYWOOD, Nov. 13.—Fox West Coast bankruptcy has captured the interests of the Senate investigation committee, now here delving into Los Angeles receiverships. The committee has called a hearing for tomorrow. Among those subpoenaed are Charles Skouras, William Moore, Jr., and Charles Irwin, trustees.

Henry A. Staab Dead

MILWAUKEE, Nov. 13.—Henry A. Staab, 59, for seven years executive secretary of the Wisconsin M.P.T.O., is dead at his home here after an illness of 18 months. He had served two terms in the State legislature.

Repeal Seen As Advantage To Theatres

(Continued from page 1)

been an important segment of film audiences.

Following are the opinions of several representative executives:

Felix F. Feist, general sales manager of M-G-M:

"I don't think it will affect the business either way. The poor people won't have any more money to spend anyway and the rich who may go to the movies will continue. Spending money for liquor won't make any difference to them."

George J. Schaefer, vice-president and general manager of Paramount Pictures Dist. Corp.:

"I regard repeal of prohibition a good thing for everybody concerned and forecast no drop in theatre attendance in the first flush of excitement over the return of liquor.

"There will be more employment, an increase in purchasing power and, important as well, a change in the frame of mind of the public. There will be less desire to spend an evening in a speakeasy and more in search of entertainment."

Montague Sees Help

Abe Montague, general sales manager of Columbia:

"I think the repeal will help and this is why:

"People probably will swing toward the idea of having dinner out more often. The prospect of a cocktail or a bottle of wine over dinner and right in the open, I believe, will send more people out of their homes. Once they are on the move, we stand a better chance of getting them into theatres. This is apt to take them away from the radio and bridge, and that ought to help.

"Those who hung around bars in the old days never constituted a big part of potential motion picture audiences anyway."

James R. Grainger, vice-president and general sales manager of Universal:

"Repeal ought to help. It will bring people out of their homes and put them in circulation. More life will be seen around hotels and restaurants. Don't discount the decrease in unemployment which will develop and the corresponding increase in purchasing power. It looks like even a better chance for theatres."

Al Lichtman, vice-president in charge of domestic distribution of United Artists:

"It's hard to tell, because any guess would be prophetic. I am inclined to believe, however, that repeal will make no real difference. People who wanted to drink have had no trouble getting it. Beer, the price of which was closer to the pocketbooks of the average moviegoer, made no difference at the box-office, you know."

Jules Levy, general sales manager of Radio Pictures:

"The answer is good pictures which the public will always support. On the other hand, I don't think liquor will hurt. The more around, the less the temptation to indulge."

Albert M. Warner, in charge of Warner-First National distribution, had no comment to make yesterday.

What Theatremen Think

Samuel L. (Roxy) Rothafel, managing director of Radio City Music Hall, world's largest theatre:

"While I do not believe that repeal of prohibition will make much difference, I feel that it may possibly add a little impetus to theatre attendance."

Sam Dembow, Jr., Publix:

"Repeal should aid business both by increasing employment and drawing people into the theatre districts. Cafes are not likely to become serious competition for films, largely because they are not in the same competitive price groups. People who spend an evening in a cafe will do so only on particular occasions, not as a matter of habit nor to the exclusion of theatre-going from their choice of entertainments."

David Palfreyman, theatre representative, M. P. P. D. A.:

"I do not think repeal will change the drinking habits of the public to any great extent, and therefore I do not believe it will have much effect on theatre attendance. If any, it is likely to be beneficial through adding more people to payrolls and by drawing them from their homes in the evenings."

Boris Morros, Paramount, New York:

"I believe repeal will be a big help to theatre business. Diners-out will be more in the mood for entertainment later. They will choose the theatre instead of going home to bed."

Charles L. O'Reilly, president of the T. O. C. C.:

"Anything that aids industry and employment will, at the same time, help the theatre. Repeal will tend to get people away from the radio, out of doors and in a spending mood. Anything that accomplishes that will bring them into the theatres eventually."

Loew executives could not be reached.

BOSTON, Nov. 13.—John D. Clark, general sales manager of Fox, thinks this about repeal:

"It is difficult to say what effect the repeal of prohibition will have on theatre attendance, but I believe that if the old saloon does come back, men will congregate as they used to but theatre business will not be harmed. In fact, it may be benefitted by the fact that more people will probably leave their homes and come downtown for an evening or visit shopping centers.

"I really feel that the change in the law will put people in a more receptive mind for entertainment and, therefore, may materially help business."

Leventhal to Columbia

William Leventhal, formerly of the Leblang ticket office, has joined Columbia as special scout on plays.

Price War Threat Stirs Up St. Louis

(Continued from page 1)

definite has been accomplished. From a reliable source it has been learned that unless a peace pact materializes in a very short time the smaller theatres will drop their scales. A first run house in the downtown district is also considering a drastic downward revision.

Trouble has been brewing for some time. The smaller houses have objected to the double feature bills being offered by the Missouri and the big stage shows offered by other first runs.

Recently F. & M. took the town by storm by offering two pictures, a stage show and the lowest general admission price for a first run in years, 25 cents to 6 P.M. and 40 cents after 6 P.M. It was a wallop that staggered the opposition, while it has simply been murder for the small neighbor houses that charge 25 cents for pictures only.

This week the Fox, two blocks south of the St. Louis, met the challenge by also going to a double feature program in addition to a holiday stage show, while the Missouri offered as its anniversary treat "The Way to Love" and "Ever in My Heart," plus the customary short subjects. Its price is now 25 cents to 2 P.M. The Fox also operating on a 25-cent basis to 2 P.M.

Down town the Ambassador is offering its usual stage show and "Take a Chance" as its feature picture, while Loew's State is depending on Max Baer in "The Prizefighter and the Lady" to get their share of customers.

Films to Share Tax Easement on Repeal

(Continued from page 1)

for their repeal following the relegalization of liquor.

Effective Jan. 1, the additional one-half cent tax on gasoline and the five per cent tax on dividends will be repealed. The capital stock tax of $1 per $1,000 on domestic corporations will be repealed July 1, next, and the excess profits tax will not apply after the current tax year. The last three named will, of course, apply to all interests in the film industry which have been subject to these levies.

In addition, the House Ways and Means Committee is now engaged in a study of the revenue law enacted last year, with a view to determining what taxes can be eliminated when revenue from liquor taxes begins to flow into the Treasury. The survey will be directed chiefly at the so-called nuisance taxes. It is anticipated that amusement interests will seek an increase in the admission tax exemption, but it is believed the first changes in taxes will be in other levies which are harder to collect and return the least income.

Majestic Opens Offices

CHICAGO, Nov. 13.—Majestic Pictures Corp. has opened its own exchange at 831 South Wabash Ave., with Percy Barr as branch manager.

AMPA Board Meets

The board of directors of the A. M. P. A. yesterday held a meeting at Sardi's.

Insiders' Outlook

(Continued from page 2)

other words, was to pay but not play. . . . With the English pound sterling sticking it out around $5 against the $2.80 and thereabouts prevalent a year ago, American distributors are reaping a golden harvest from the decline of the American dollar. Foreign managers are sick over their inability to get remittances into New York daily from London. . . .

▼

Withdrawals, actual and reported impending, of certain local units from their national affiliations, will shortly see the development of a new national exhibitor organization, maybe. Behind it probably will be one of the staunchest fighters in the cause of the unaffiliated theatreman. The groundwork is now being laid. That revives some of the yarns that wafted in and out of the Mayflower Hotel lobby in Washington recently. . . . Four days after Roxy tossed off reports about his return to the 7th Avenue Cathedral as "applesauce," Howard S. Cullman admitted the deal had been submitted by denying its acceptance. Oh, well! . . . KANN

Wood Asks Ohioans To Back Sales Tax

(Continued from page 1)

manager of the M. P. T. O. of Ohio has sent out a letter to all Ohio exhibitors declaring that unless they agree unanimously on a tax fight program they will destroy the possibility of securing repeal of the 10 per cent tax.

Wood blames the tax on the lack of unanimity among exhibitors during the last special session of the legislature. In view of the fact that a change in the real estate tax law makes it necessary for the state to raise $50,000,000 from new sources, he calls on exhibitors to unite with interests opposed to the cosmetic tax, beverage tax and cigarette tax, and get behind a program for passage of a sales tax at the session opening in January.

"The great danger now," he writes, "is that inexperienced persons will try to cope with a very involved legislative situation and succeed only in again confusing the minds of the members of the legislature. You owe it to yourself to leave this matter in the hands of this organization which, over a period of years, has built up a record of legislative achievements for the benefit of the industry as a whole."

Expect Big Turnout At Columbus Session

COLUMBUS, Nov. 13.—Indications point to an attendance of independents from all parts of the state at the meeting set for Wednesday in the Deshler, according to G. W. Erdmann, business manager of the Cleveland M. P. Exhibitors' Ass'n.

If plans go through, the new independents' association will be formally organized and officers will be named,

YOU'LL

SLIM

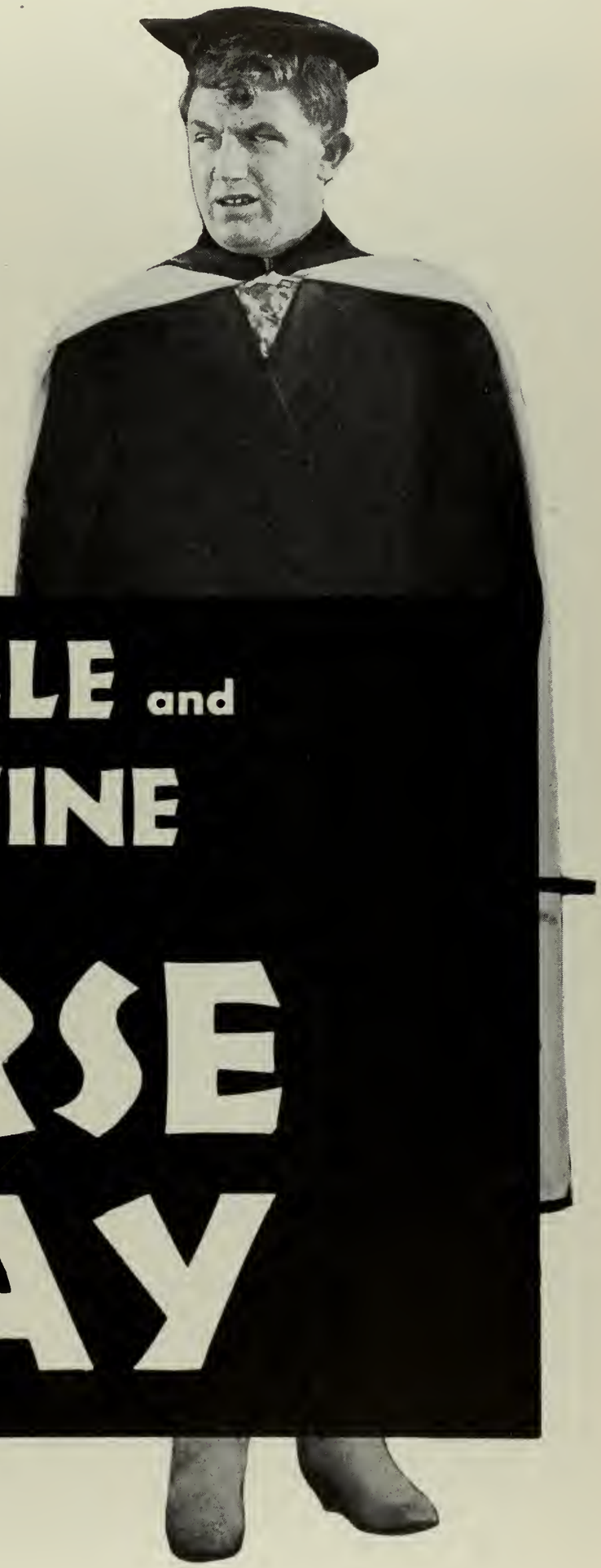
•

With Leila Hyams, Ferdinand Gottschalk, May Beatty, Cornelius Keefe, Lucille Lund, David Torrence, Ethel Griffies. Directed by EDWARD SEDGWICK. Screenplay by H. M. Walker and Dale Van Every. Presented by Carl Laemmle.

STEP OUT WITH UNIVERSAL

DIE LAUGHING!

—when you see these two lovelorn cowboys traveling on a deluxe ocean liner with their HORSE...When you see them—and the HORSE—mixing with society and attending the Duchess' fancy dress ball in London . . . When you see—Oh, what's the use of going on? It's so cockeyed crazy that you wouldn't believe it all if we told you! BUT WE'VE GOT IT ON THE SCREEN TO GIVE YOUR PATRONS THE LAUGH OF A LIFETIME!



SUMMERVILLE and ANDY DEVINE

in

HORSE PLAY

Cantor Visit May Set Code Signing Back

(Continued from page 1)

formed on the problems of the entire motion picture industry."

Cantor's chief objection to the code as it now stands is the clause which gives the employing producer the right to match bids for the services of an actor six months before and after expiration of the pact. He takes the stand that the period is apt to "kill off an actor and it isn't fair to the performer."

Claiming that the Academy of M. P. Arts & Sciences had no voice in code deliberations in Washington, Cantor stated that actors were determined to have their say by formation of the Screen Actors' Guild. Between 30 to 40 actors banded together and formed the organization, he said, for the purpose of "attempting to correct the abuses in the industry." He said that the Writers' Guild was recently formed and in about four weeks directors will organize a guild of their own. All will unite and demand their rights from producers, he declared, or production in Hollywood will cease. He stated the guilds are in sympathy with each other and will coordinate their actions.

Calls Producers "Trust"

He charged major producers with being "one big trust" in which stockholders had no voice while they were being used as a smoke screen for the millions lost by the companies.

Cantor hit sharply at producers for trying to limit salaries, claiming that the player now receiving $5,000 a week may be underpaid while the actor getting $50 a week may be overpaid. "No one tells a company to pay Marie Dressler $4,000 a week. The producers can get someone else at $200 a week, but it will not be Miss Dressler," he said, adding there was only one family of Marx Brothers and they are entitled to what they get. "Fritz Kreisler is so successful because there are so many Rubinoffs, and that illustrates the point," added the comic.

Cantor continued his attack on the move to cut high salaries by pointing out that an actor now receiving $5,000 for 20 weeks would be tickled to death if his contract were for $300 a week forever.

"Bad contracts are the fault of the makers, not of the star," he said. "If a company makes a bad contract, it should live up to it."

One of Cantor's cures for the ills of the industry is to keep relatives at home. He said that a relative getting $30,000 a year while working at a studio would be cheaper kept at home. "His mistakes at the studio may cost the company $200,000 a year," Cantor declared.

Favors Fewer Roles

The banjo-eyed comic urged prolonging the life of a player by casting the actor in one or two pictures a year. He said studios kill off a player who is "hot" at the moment by putting him into too many pictures a year.

Cantor, as another remedy, thought it would be wise to close 50 per cent of the theatres now operating. He said the country is overseated. If the number of houses is reduced by half, the comedian declared better and fewer picture would follow.

Holding that outside support is unnecessary at this time, the U. A. comedian stated that the Screen Actors' Guild will not affiliate with the A. F. of L. or with Actors' Equity and emphatically denied Lester Cowan, who recently resigned as executive secretary of the Academy, would join the actors' association. He said extras were being admitted into the organization at two dollars a year although they cost the guild from $4 to $5 a year to maintain as members.

Cantor leaves around Christmas for a tour of 35 to 40 key city one-night stands.

Eddie Cantor on Sam Goldwyn

"Are all those Goldwyn stories true?" a newspaper man asked Eddie Cantor yesterday.

"Yes, all of them are, but let me tell you something. The fellow in Hollywood who asks the next guy if he had heard what Sam said at the club yesterday wishes he could make the kind of pictures Goldwyn makes. If you don't think so, look at their last pictures. Sam may murder the English language, but he makes pictures. Remember 'Arrowsmith'? I'm telling you this industry can use more men who speak broken English."

Explaining that the Screen Actors' Guild now had 1,300 members enrolled, he said:

"They range from Arliss to West. And, believe me, we'd even be good without Arliss."

Cantor thinks supervisors are an industry evil and ought to be cut out. "Today," he said, "pictures are made twice. Once by the actors and the director and once by the supervisor."

"Is there anything in the code about the Four Marx Brothers?" flipped one questioner.

"No, they have a code all their own," the comedian snapped back.

The inside of the Hollywood production situation and how it works was tipped when Cantor said he can talk back to Goldwyn.

"I have as much money as he has. So what can he do to me?" asked Eddie.

IATSE Charge to Coast

WASHINGTON, Nov. 13.—Charges that studios on the west coast were forcing sound men to join unions not of their own choosing, filed last week with Senator Robert Wagner of the National Labor Board by the I. A. T. S. E., have been referred to the San Francisco labor board and will likely be switched to the Los Angeles board just established, it was said here today.

It is declared that in the absence of a code the action of the studios is a violation of the President's reemployment agreement. The matter, it was said, is a continuation of the jurisdictional controversy between the I. A. T. S. E. and the Electrical Workers' Union.

Accepts Wholesale Code

WASHINGTON, Nov. 13.—Provisions of the master wholesale code, heard today before Division Administrator A. D. Whiteside, were given the endorsement of the Independent Theater Supply Dealers Ass'n, representing 78 per cent of the equipment industry.

A separate code for the equipment industry was thrown out last month during the course of a hearing as being presented by an organization which did not represent a sufficient proportion of the industry. Efforts to write a new code were abandoned in favor of coverage under the wholesale code.

Federal Trade Body Making Code Study

WASHINGTON, Nov. 13.—Members of the Federal Trade Commission are engaged in a study of the film code at the request of the Recovery Administration, it was learned today. Decision to turn the document over to the commission was reached at last week's meeting of the Cabinet Recovery Council, headed by Secretary of Commerce Roper. Commissioner Charles H. March was present at the meeting, as were two officials of the Department of Justice.

The study of the code is being conducted by the commissioners themselves and it has not been turned over to the legal or economic divisions, it was learned. It is understood the review may cover block booking and other points prominent in the long drawn-out Paramount case, in which the orders of the Commission were overruled by the Courts.

Rosenblatt Silent On Signing of Code

(Continued from page 1)

executive assistant to Administrator Hugh S. Johnson, during a telephone conversation with Lea yesterday.

Kuykendall plans to leave New York tomorrow for Chicago and will go from there to Milwaukee to attend a meeting of the M.P.T.O. of Wisconsin, at which action on the code is scheduled to be taken by that organization.

Rosenblatt Flies Back

Deputy Administrator Sol A. Rosenblatt yesterday left by plane for Washington after spending the weekend with his family at Great Neck, L. I.

WASHINGTON, Nov. 13.—Charles L. O'Reilly, president of the T.O.C.C., is expected here Thursday for conferences with Col. W. R. Lea, who has been in charge of the film code during the absence of General Hugh S. Johnson, administrator.

"Living" to Criterion

"Design for Living" is dated for the Criterion starting Nov. 22 on a two-a-day policy.

Limitation of Wage Clauses Up to Johnson

(Continued from page 1)

58 wage rates incorporated by Deputy Administrator Sol A. Rosenblatt was confirmed today by labor officials.

It was explained that the order of the policy board was adopted at a meeting at which neither of the two labor representatives was present and that little attention was paid to the matter until the film code came before Lea.

Application of the order was asked by the Construction League, composed of builders who are understood to be attempting to secure in the construction code a 90-cent rate and who felt that the film code, which carries a rate of $1.16 2-3 for construction workers in studios, would be considered a precedent to be followed in setting rates for workers under the construction agreement.

Approached White House

Representatives of the Construction League are understood to have gone to the White House to discuss the matter, as did Colonel Lea, but it is reported that little encouragement was given by the President's secretariat, who held that there is nothing in the Recovery Act that minimum wages shall be fixed only for unskilled labor and not for skilled workers.

The wage scales incorporated in the film code by Deputy Administrator Rosenblatt had the full approval of all labor organizations concerned, and these groups are fighting strongly for retention of his schedules, which recognize the union rates now being paid by the producers, while at least two groups in the construction industry are anxious to have the rates knocked out of the picture agreement. The fight, therefore, is not upon the film code itself, but upon the inclusion therein of wages which are detrimental to the desires of the construction industry.

Did Johnson Approve It?

While the order of the Policy Board was published throughout the Recovery Administration as official, there appears to be some doubt as to whether General Johnson ever actually approved it, particularly in view of its adoption during the absence of the labor members and their consistent opposition to any such move which, it was threatened, if insisted upon would result in the severance of all connections with the Administration by President William Green and his associates of the American Federation of Labor.

That efforts actually have been made to limit wage classifications was demonstrated today during the hearing on the proposed wholesale code when representatives of the traveling salesmen asked that they be given a minimum wage. Division Administrator A. D. Whiteside, who presided, declared that the Administration had adopted a definite policy of not including occupational minima in codes and that the best the salesmen could hope for in the wholesale code would be the minimum wage specified for common labor.

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—WILLARD E. WAGNER,
El Campanil Theatre,
Antioch, Calif.

●

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—L. A. EDWARDS, *Div. Mgr.*,
Prudential Long Island Theatres,
East Hampton, N. Y.

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"My Lips" Is Good at Roxy With $28,000

Broadway showed little excitement among the first run attractions last week, except at the 7th Ave. Roxy which had a good week with "My Lips Betray" at $28,000. This was a decided jump over the previous week's attraction.

"I'm No Angel" performed something of a feat in holding up to $55,000 in its fourth week at the Paramount. This was the same as the third week, and knocked some records around.

"After Tonight" took $64,000 at the RKO Music Hall. "Berkeley Square," which was switched from the Music Hall to the Palace, was good for $15,791 at the latter. "The World Changes" dropped to $15,107 in its second week at the Hollywood. "Dinner at Eight" wound up its 11-week run at the Astor with $9,235. "Broadway Thru a Keyhole," held over at the Rivoli, dropped to $19,041.

Estimated takings:

Week ending Nov. 8:

"THE WORLD CHANGES" (F. N.)
HOLLYWOOD—(1,545), 25c-85c, 2nd week, 7 days. **Gross:** $15,107.

"AFTER TONIGHT" (Radio)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $64,000.

Week ending Nov. 9:

"EAT 'EM ALIVE" (Ira Simmons)
CAMEO—(549), 25c-40c, 7 days. **Gross:** $6,187.

"THE DAY OF RECKONING" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Cab Calloway and new Cotton Club Revue of 1934. **Gross:** $30,698.

"BERKELEY SQUARE" (Fox)
(Second Run)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $15,791.

"I'M NO ANGEL" (Para.)
PARAMOUNT—(3,700), 35c-99c, 4th week, 7 days. Stage: Ethel Shutta and George Olsen and his band. **Gross:** $55,000.

"KENNEL MURDER CASE" (Warners)
RIALTO—(2,200), 40c-65c, 2nd week, 7 days. **Gross:** $10,200.

"MY LIPS BETRAY" (Fox)
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $28,000.

"FEMALE" (F. N.)
STRAND—(2,000), 25c-$1.10, 7 days. **Gross:** $11,862.

"PRIVATE LIFE OF HENRY VIII" (U. A.)—4 days
"BERKELEY SQUARE" (Fox)—3 days
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $14,664.

Week ending Nov. 12:

"DINNER AT EIGHT" (M-G-M)
ASTOR—(1,012), 55c-$2.20, 11th week, 7 days. **Gross:** $9,235.

Week ending Nov. 14:

"BROADWAY THRU A KEYHOLE" (U. A.)
RIVOLI—(2,200), 35c-99c, 2nd week, 7 days. **Gross:** $19,041.

Plunkett-RKO Suit Is Reported Ended

(*Continued from page* 1)

reached. The settlement, according to the report, was for $17,000.

Plunkett was represented by Lawrence Green of the law firm of Abeles and Green. No comment on the report could be obtained from either RKO or Green yesterday.

Still pending is a suit filed against RKO several months ago by E. M. Glucksman, formerly in charge of RKO field operations during Plunkett's regime as the circuit head. The Glucksman suit asks $16,000 as additional compensation for services.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 1)

The music by Gordon and Revel has a whistle quality, particularly "You're Such a Comfort to Me," "Good Morning Glory," "I Want to Meander with Miranda," "Lazy, Lowdown Liza" and "Did You Ever See a Dream Walking?"

Larry Ceballos' spectacle number has exploitable features, being a variation of Sally Rand's fan dance with plenty of chorines behind Thelma Todd. The number adds a new wrinkle by the ingenious use of mirrors.

Others in the cast are Gregory Ratoff, Lew Cody, Hale Hamilton, Kenneth Thomson and a precocious youngster, Jerry Tucker.

Director Harry Joe Brown gets as much as possible out of the story. Thelma Todd is an eyeful. Ginger Rogers is much slimmer. Laugh honors go to Oakie and Haley.

K-A-O Cuts 9-Month Loss

During the nine months ending Sept. 30 net loss of the Keith Albee Orpheum Corp. was $552,792. This is a sharp reduction from the same period for 1932 when the loss was $1,044,820. The loss for the third quarter was $197,097, compared with $278,953, in the preceding quarter, and a net profit of $7,231 in the third quarter of 1932.

Bliss Here, Foreign Heads Delay Confab

(*Continued from page* 1)

ing to discuss the Czechoslovakian situation until today. Bliss has made a survey of the situation and will lay his report before the foreign heads, meeting at the Hays office before they act on closing branches in Czechoslovakia.

Organization Help Urged by Pettijohn

St. Louis, Nov. 13.—Unless individual theatre owners give not only their moral but also financial support to their own organizations they may expect the industry to be the victim of unfair special taxation, so that in the long run they will pay out far more in the way of city, state and Federal taxes than is required to meet their dues in the local exhibitors' associations, C. C. Pettijohn, Hays office attorney, declared in a luncheon at the Hotel Chase here.

Pettijohn was passing through St. Louis and the luncheon was hurriedly arranged by the officers of the St. Louis Film Board of Trade. The guests included local and nearby exhibitors and local film exchange managers and salesmen.

Pettijohn said Fred Wehrenberg, president of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois had been so far successful in leading the organization to victory against unfair legislation in the city and state, but warned that exhibitors should not expect too much from their leaders, but instead should cooperate in efforts to combat adverse legislation.

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VOL. 34. NO. 115 NEW YORK, WEDNESDAY, NOVEMBER 15, 1933 TEN CENTS

Local Boards To Fix Rows Under Code

Labor Disputes to NRA When Home Efforts Fail

WASHINGTON, Nov. 14.—Regional controversies in the theatrical as well as other industries will be resolved locally wherever possible. Adoption of this policy is indicated by the action of Senator Robert Wagner, chairman of the National Labor Board, in referring to California complaints received from I. A. T. S. E. that sound workers were being forced to join unions not of their own choosing.

Only in cases where controversies cannot be settled locally will the matter come to Washington, except in cases of labor difficulties involving large areas and of sufficient importance to merit handling from here.

Lichtman Restores Two U.A. Divisions

With the return of L. J. Schlaifer to United Artists, Al Lichtman has divided the country into two divisions The divisional posts were dropped some time ago and now come into existence again with Schlaifer handling

(*Continued on page 6*)

U. A. Wins in Deal For Marx Brothers

United Artists is the winner in the double bidding with the Four Marx Brothers for future releases. Paramount also was dickering with the Marxmen and for a time it appeared

(*Continued on page 6*)

To Star May Robson

Hollywood, Nov. 14.—Impressed by her work in "Lady for a Day," M-G-M is now satisfied May Robson rates individual stardom and so will handle her. This decision sidetracks plans for "Comin' Round the Mountain," planned as a co-starring vehicle with Polly Moran.

Miss Robson's first probably will be "Witch of Wall Street."

Article 5 on Star Dealings May Be Dropped from the Code

Article 5, the proposed clause which would end secret negotiations for star services by throwing them entirely into the open and at the same time extend to competing producers the right to match existing terms, may be eliminated from the code, *Motion Picture Daily* heard yesterday.

This is the provision which drew fire of the Screen Actors' Guild, Joseph M. Schenck and Samuel Goldwyn, and, in general, has precipitated turmoil anew in Hollywood.

Washington, Nov. 14.—It is understood here Eddie Cantor's visit to President Roosevelt at Warm Springs, Ga., Nov. 21, may have some bearing on Article 5.

K.C. Jurors Ask Federal Labor Probe

KANSAS CITY, Nov. 14.—A Federal investigation is needed to go to the bottom of labor racketeering at Kansas City theatres, declared the Jackson County Grand Jury in its recommendations at the termination of its seven-week inquiry into racketeering and crime conditions in the city.

Finding that terrorism and violence involving theatres "appear to be of long standing in Kansas City," and charging that "the police have not afforded adequate protection, and no consistent and effective efforts

(*Continued on page 5*)

Skourases Say They Are Out of Bankrupt

Skouras Brothers declared yesterday that the voluntary bankruptcy of Skouras Brothers Enterprises, Inc., in the Federal Court at St. Louis had nothing to do with Skouras Theatres Corp., which operates houses in this territory.

It was stated the Skourases had had nothing to do with the St. Louis corporation since 1928 when they sold their controlling interest to Warners.

Loew's Stock Sale Hearing Set Today

A hearing on the petition of Chemical Bank and Trust Co. for authority to sell 660,900 shares of Loew's, Inc., on Nov. 27, is slated for a hearing before Federal Judge John C. Knox in U. S. District Court here today.

The sale is to satisfy a $20,000,000 default on a two-year, six per cent

(*Continued on page 4*)

Kuykendall Hits Allied Code Moves

An opinion that Allied States leaders do not voice the sentiment of the organization's membership when those leaders "condemn efforts to get the code matter settled," was voiced here yesterday by Ed Kuykendall, president of the M. P. T. O. A., in a reply to a recent Allied bulletin which charged Kuykendall and others with "placing obstacles" in the way of those who oppose the code in its present form.

"I am just a little bit surprised," Kuykendall's reply declared, "at this outburst of pent-up anger on the part

(*Continued on page 4*)

Twelve MPTO Units Set to Act on Code

Twelve regional M. P. T. O. A. affiliates are planning early meetings to act on the code, Ed Kuykendall, M. P. T. O. A. president, said yesterday. Four units of the national organization have held meetings to date, all of which resulted in approval of the code.

Those slated to meet within the next few weeks include M. P. T. O. of Wisconsin, Nov. 21 and 22, at Milwaukee; M. P. T. O. of Ohio, Dec.

(*Continued on page 4*)

Kalmine Expects to Stay in Pittsburgh

PITTSBURGH, Nov. 14.—Despite reports circulating about New York that Harry Kalmine will succeed William Goldman as Warners' zone manager in the Philadelphia territory, Kalmine insists there's nothing to it and if there is, he says, he hasn't heard a

(*Continued on page 4*)

Jersey Unit Asks Allied To Produce

Samuelson Wires Myers To Name Committee

Declaring that conditions in the film business affecting the independent exhibitor demand a new source of product, Allied of New Jersey, at its regular meeting yesterday, sent a recommendation to Abram F. Myers in Washington that a committee be immediately appointed to formulate plans for the production and distribution of features by the national organization.

Local Allied members state they are upset over the demands by major and independent companies on percentage terms and preferred playing time.

Sidney Samuelson, president of the unit, yesterday declared that his group

(*Continued on page 4*)

Para.'s New Setup Ready in 2 Weeks

The Paramount Publix plan for reorganization of Publix Enterprises, bankrupt theatre subsidiary, will be ready for submission to Referee Henry K. Davis for the Federal Court's approval in two weeks, it was learned yesterday.

The plan which will bring the largest block of Publix theatres into one

(*Continued on page 6*)

Brooklyn Probe Off For Solvency Trial

Federal Judge Mortimer W. Byers in Brooklyn yesterday ruled that, pending the outcome of the scheduled trial to decide whether or not New York Investors, Inc., is insolvent, fur-

(*Continued on page 4*)

Delay Decision

Foreign sales managers met at the Hays office yesterday to discuss advisability of pulling out of the Czech market, but reached no decision and determined to meet again on an undetermined date.

Aired was a report of Don C. Bliss on the situation in that country.

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Seeks Aid of Films In 10% Tax Fight

Frank Spellman, chairman of the newly organized American Anti-Tax Ass'n, is seeking to enlist the aid of the film business in the organization's campaign against the 10 per cent tax on amusement enterprises under consideration in 12 of the states. So far, however, his efforts have not met with success.

Schreiber to Columbus

CINCINNATI, Nov. 14.—Harry Schreiber, manager of the RKO Capitol, is temporarily in charge of the RKO Palace, Columbus. He relieves Horton Kahn, who has gone to California for a vacation. Jack Tiernan, assistant manager, is handling the Capitol here in Schreiber's absence.

Briskin Going Abroad

HOLLYWOOD, Nov. 14.—Sam Briskin, accompanied by his wife, will leave for New York next week where he will sail for a European vacation aboard the *Conte di Savoia* on Nov. 25.

Shwartz Brandt Booker

Harry Brandt has engaged Joseph Shwartz, one of the New York bookers at the Fox exchange, to take care of bookings for his theatres.

Cowan Heading East

HOLLYWOOD, Nov. 14. — Lester Cowan, who recently resigned as secretary of the Academy, heads east shortly.

Barney Balaban Visiting

Barney Balaban is in New York from Chicago. The trip is one of his periodic visits.

Farnol in Tomorrow

Lynn Farnol, publicity dispenser for Samuel Goldwyn, is due in New York from the coast tomorrow.

Looking 'Em Over

"Eskimo"

(M-G-M)

The long, grasping hand of the white man raising havoc where peace apparently reigned before is the general idea around which "Eskimo," last night's opener at the Astor, is built.

Tied in with the story of Mala, the hunter, his wives and his children is the constant struggle for food in the vast white wilderness within the Arctic Circle. Primitive people, kindly and child-like in their slant on life, the trouble grows when Mala's wife is accidentally shot, after having first been debauched by the white men. The native hunter, in turn, kills the offender and shortly thereafter finds himself hunted down by the mounted police. The remainder of the picture deals with the friendship struck between the mounties and the Eskimo, the latter's ultimate escape and a second trailing. The conclusion finds Mala and Iva caught on an ice floe going to their death or their liberty across the straits, as the audience may elect.

"Eskimo" contains a number of punch sequences. There are a whale and a caribou hunt, a hand-to-hand battle with a wolf and fine snow stuff throughout. Mala, described as a native Eskimo in the program, as are all others in the cast, cuts a fine figure of a man, does his job with simplicity, conviction and sympathy.

The picture, as it stands, is too long for straight picture house release and probably will be trimmed before it hits general distribution. It dares to be different and that's an important something in its favor. Its commercial future, however, is something that carries a question mark alongside of it, in this opinion. If merit in conception and production alone determined that, the answer to "Eskimo" as box-office would be a cinch.

KANN

"Ship of Wanted Men"

(Showmen's Pictures)

The experiences of a group of swindlers, kidnappers and killers who make up the cargo of a craft en route to Angel Island, where there is nothing like extradition. It is fair entertainment. An audience at Loew's New York yesterday received it without enthusiasm.

Fred Kohler picks Leon Waycoff, a fugitive, to maneuver his ship and its occupants to the island. Its passengers consist of Maurice Black, Kit Guard, Gertrude Astor and James Flavin, who have paid $5,000 apiece to land at the uncivilized spot. In mid-ocean Dorothy Sebastian, who has just shot Jason Robards, her attacker, on his yacht, is swimming for the tramp boat when Waycoff espies her and goes after her. When she arrives on the boat she stirs up a lot of trouble and later convinces Waycoff that it would be better to turn the men over to justice. When Black makes a play for the heroine, Waycoff resents it and wirelesses a nearby destroyer which takes the fugitives into custody.

Miss Sebastian is advised that Robards has recovered from the shooting and the hero is given a clear slate for turning the men over to the government. That gives the hero and heroine a clean bill to join up at their own convenience.

Pathe "A" Up One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23	22½	22½	.....	300
Consolidated Film Industries	3⅛	3⅛	3⅛	+ ⅛	200
Consolidated Film Industries, pfd	10	9½	10	.....	600
Eastman Kodak	75½	73½	73½	— ½	1,200
Fox Film "A"	15½	14⅝	14⅝	.....	1,500
Loew's, Inc.	29½	28⅜	28⅝	.....	1,400
Paramount Publix	2	1⅝	2	+ ⅜	3,100
Pathe Exchange	1½	1⅜	1½	+ ¼	900
Pathe Exchange "A"	9	8½	9	+1	1,300
RKO	2½	2⅜	2½	.....	400
Warner Bros.	6⅝	6¼	6⅜	— ⅛	5,100

Trading Light on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	¼	¼	¼	— 1/16	100
Sentry Safety Control	3/16	3/16	3/16	.....	200
Technicolor	11¼	10¾	10¾	— ¼	800
Trans Lux	1¾	1¾	1¾	+ ¼	100

Bond Issues Slide Slightly

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	3¼	4	+ ¼	3
Loew's 6s '41, ww deb rights	81¼	80¼	80¼	—1½	7
Paramount F. L. 6s '47	26½	25½	25½	—1	6
Paramount Publix 5½s '50	25¾	25¾	25¾	— ⅜	3
Warner Bros. 6s '39, wd	40	38⅝	38⅝	—1⅜	7

Purely Personal

CARY GRANT, who got into town from the coast Sunday, plans to sail for England Friday. He will be gone four weeks, vacationing and calling on relatives.

CHARLES STERN, U. A. district manager for New York, Boston and New Haven, was in town yesterday conferring with home office executives.

M. J. WEISFELDT, general sales manager of Majestic Pictures Corp., returned to the home offices yesterday after a trip through the West.

RALPH STAUB will direct the LULU MCCONNELL short for Vitaphone in place of JOSEPH HENABERRY. Picture starts this week.

EDDIE DOWLING and LILLIAN GISH will be dinner guests at the White House tonight preceding a private showing there of "It's a Wise Wife."

FRANK BUCK, now in Singapore, filming another animal picture for Radio, expects to start home tomorrow.

JOSEPH KRUMGOLD, who recently rejoined the M-G-M foreign department, is on the high seas bound for Paris.

HAL YOUNG of National Screen is packing for a sales trip. Starts tomorrow.

MONROE ISEN, Universal's general manager in South America, is on the briny deep, Buenos Aires bound.

JOE BERNHARD, Warner theatre head, is in Philadelphia for the remainder of the week.

ELSIE JANIS and her husband, GILBERT WILSON, came in yesterday from the coast on the *Santa Lucia.*

BEBE DANIELS and MRS. SKEETS GALLAGHER are en route to Hollywood to open their dress shop.

FRANK LLOYD is in town for a few days before sailing for England tomorrow on the *Majestic.*

MRS. JAMES R. GRAINGER leaves for Hollywood today on her usual holiday trip.

DAVID MANNERS will reach New York Friday on his way to Europe for a vacation.

EDDIE CARRIER, in charge of M-G-M's studio train, arrives in New York today.

EMIL LUDWIG is on the *Ile de France* on his way to his home in Locarno.

E. C. GRAINGER is back from a short trip to Fox exchanges.

JOAN CRAWFORD reached New York from the coast yesterday.

FRANCHOT TONE is in town from Hollywood.

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ADVENTURES of the NEWS — REEL CAMERA MAN • 12 One Reel each

Thrills that will knock your audiences right out of their seats . . .because they're REAL! Actual death-defying experiences of newsreel cameramen . . . who grind as danger rushes at them. Plus a blood-stirring off-stage voice, so your patrons won't miss a trick. Says Red Kann: "The stuff is gasp-inducing in its excitement."

All Produced by Movietone News, Inc.

Kuykendall Hits Allied Code Moves

(Continued from page 1)

of those exhibitor mis-leaders who have no actual investment in this industry, and I believe that their statements are not concurred in by the Allied membership as a whole, and really come from the same men who have become notorious for their capacity for making mis-statements of fact and continue a ballyhoo of obstructionism in their anxiety to keep themselves before the exhibitors of the country.

"The M. P. T. O. A.," Kunkendall's statement continues, "is now accused in Abe Myers' latest outburst of supporting the President's recovery program and of offering our cooperation in the big job of self-government of the industry under the code. This policy does not preclude our safeguarding the interests of the independent exhibitor, for if we find in actual practice that any part of the code works an unreasonable hardship on anyone, we will try to get it changed through the proper channels, as provided for.

"Fortunately, we have no lawyers in M. P. T. O. A. interested in getting a fee to carry on a fight indefinitely, and no professional organizers who need controversies to help them get money from some exhibitors. We have no quarrel with Mr. Myers and his organizers, but we cannot agree that the measure of an exhibitor's 'independence' is solely based on how much he hates the other parts of the industry. Myers' quarrel is really with the NRA which operates the 'propaganda mill' he complains of in order that it may secure the cooperation of all industries with the President's recovery program and the NRA codes.

"If Allied had produced a definite, organized program in advance, instead of trying to block the whole NRA program from the very start, perhaps Allied's blunders would not be so obvious now to even its own membership," the Kuykendall statement concludes.

Twelve MPTO Units Set to Act on Code

(Continued from page 1)

5 and 6, at Columbus; M. P. T. O. of North and South Carolina, Dec. 10 and 11, at Charlotte, and both the Texas and Oklahoma units which have not yet set definite dates. Seven others will not call meetings until immediately after the code has been signed by President Roosevelt, it was reported. Units which have already approved the code include the Tri-States unit, Mississippi, Tennessee and Arkansas; Southeastern Theatre Owners' Ass'n; Exhibitors' Ass'n of Chicago and the M. P. T. O. of Iowa and Nebraska. Allied of Iowa and Nebraska also has approved.

Carolina Meeting Set

CHARLOTTE, N. C., Nov. 14.—The annual winter meeting of the M. P. T. O. of North and South Carolina has been set for Dec. 10-11 here.

Big Time Stuff

William R. Ferguson, M-G-M's exploiteer de luxe, is taking bows for the snow flurry in New York yesterday, which, he says, he arranged especially for the "Eskimo" premiere at the Astor.

Trade Body Action Held of No Import

WASHINGTON, Nov. 14.—Interest of the Federal Trade Commission in the film code was today disclosed as having been nothing more serious than the desire of one of the members of its economic division who, with 12 or 15 others, has been loaned to the Recovery Administration, to assure himself of the propriety of one of the provisions of the first draft.

This official, it was learned, asked one of the commission's attorneys for an opinion, which was given, but it was emphasized. The opinion was merely the personal view of the attorney, and the film code has not been before the commission formally nor is it likely to be.

Members of the commission staff have been working for the Recovery Administration, furnishing data on codes for various industries with which the commission is familiar.

Local 306 and ITOA Delay Wage Parleys

Negotiations between Local 306 and the I. T. O. A. on a wage scale for local independent theatres have been dropped for the time being. Because of failure to agree after each had submitted booth scales, deliberations are expected to be resumed after the industry code has been signed. The I. A. T. S. E. is understood to be taking a hand in the local situation and will attempt to effect a compromise after the code has been signed by President Roosevelt.

ITOA Discusses Code

Members of the I. T. O. A. yesterday discussed the code at the weekly meeting at the Astor. After the session the executive committee met and discussed a membership drive and other details which had been in abeyance since the unit's representatives were first called to Washington for the code conferences.

Elliott in Capital

William C. Elliott, president of the I. A. T. S. E., and Louis Krouse, his assistant, are in Washington on labor matters as they affect operators and stagehands in the proposed industry code. They are due back tomorrow.

Sues on Warner Bonds

Suit has been filed in Supreme Court here against Warner Bros. Hollywood Theatres Corp. by Eugene Collat, owner of three $1,000 bonds, charging default on six per cent interest payments due May 1 and failure to redeem the bonds.

Warners have presented a defense on five technical grounds and Collat has asked for a bill of particulars.

Means Makes Attack Upon Block Booking

KANSAS CITY, Nov. 14.—Attacking present methods of distribution, Jay Means, president of the Independent Theatre Owners, told the newly formed Better Films Council of Kansas City that block booking and blind buying made it almost impossible for the exhibitor to have any choice in product selection.

In speaking on "Life As It Appears on the Screen," Dr. Andreas Bard, pastor of St. Mark's Lutheran Church, said many pictures failed to give a true cross-section of life.

The Better Films Council is sponsored by the second district, Missouri Federation of Women's Clubs. A reviewing committee which will see pictures at first run theatres and recommend selections to club members is being formed.

Second Pittsburgh House Cuts Prices

PITTSBURGH, Nov. 14.—Price cuts at the Davis, where five cents has been lopped off the afternoon and evening scales, making them 25 and 35 cents, have been followed by similar action at the Fulton. The latter has also dropped two-for-ones.

"Disraeli" Back Soon

Warners will re-release "Disraeli" at the Hollywood in about three weeks. The picture will go out nationally on Dec. 21. New prints with sound on the film have been made. When it was first issued in October, 1929, the sound was on discs.

Wells to Do Film Story

LONDON, Nov. 14—H. G. Wells has agreed to write a story for production by Alexander Korda. Wells has been studying film technique at the studios of London Films. United Artists will release in this country.

El Brendel to Tour

HOLLYWOOD, Nov. 14.—El Brendel and his wife, Flo Bert, open a vaudeville skit for RKO in Chicago Dec. 1. This will be their first stop in a tour of the circuit from Chicago east.

May Let Houses Go

LONDON, Nov. 14.—Universal will dispose of its three British houses, including the Rialto in Leeds and two in Bolton.

Company headquarters confirm.

B. & D. Recapitalizes

LONDON, Nov. 14.—Financial reorganization of British and Dominion has been approved by stockholders. Over $1,000,000 has been written off.

Del Lord Joins Ryan

HOLLYWOOD, Nov. 14.—Del Lord has been made vice-president of Phil Ryan Productions, Inc. He will also function as a writer and director.

Basket Ball Team Set

Columbia basketball team has completed organizing and is looking for a number of games to complete its schedule for the season.

Jersey Unit Asks Allied To Produce

(Continued from page 1)

does not approve of the code in its present form. He said that he didn't approve of "signing a blank check," meaning that since the personnel of the code authority has not been named there is a blank in the code which exhibitors are asked to approve.

He stated nothing is more important in the code than the code authority since it is this group which will rule on all matters pertaining to the code.

Instead of meeting twice a month, Allied of New Jersey will hold a session weekly starting next Tuesday.

Thirty-three More Canada Houses Open

TORONTO, Nov. 14. — Thirty-three theatres reopened in Canada during September and October, bringing the total of active houses to above 800, according to a compilation of the M. P. Distributors' Ass'n.

They were distributed as follows: Maritime Provinces, one; Quebec, eight; Ontario, eight; Winnipeg, 12; Calgary, none; Vancouver territory, four.

Winnipeg has by far the best showing. Business has picked up generally in that territory, but the Alberta area, farther west, is still feeling the effects of the slump.

Brooklyn Probe Off For Solvency Trial

(Continued from page 1)

ther examination into the company's affairs by a special referee must be suspended. An involuntary petition in bankruptcy was filed against the company on Oct. 13.

Judge Byers said that if New York Investors, Inc., which has denied insolvency, proves at the trial to be solvent, further examination now will be an unnecessary expense. The trial was to have started yesterday, but Archibald Palmer, counsel for a bondholders' group, obtained a postponement to Dec. 6.

Kalmine Expects to Stay in Pittsburgh

(Continued from page 1)

word of it. The subject has never been broached to him by Warner officials, Kalmine claims, and as far as he knows, he stays in Pittsburgh.

Kalmine came here from the New Jersey zone a year ago last month to take the post left vacant by the resignation of John H. Harris, who has since returned to private operation.

Loew's Stock Sale Hearing Set Today

(Continued from page 1)

gold bond issue, dated April 1, 1931, the bulk of which is held by Chase National Bank. If the stock sale is approved by the court, it will, in effect, result in transferring the stock for the defaulted bonds, for which the stock is up as collateral.

K.C. Jurors Ask Federal Labor Probe

(*Continued from page* 1)

have been made to apprehend and convict the guilty parties," the investigating body indicated that only government action could clean up the mess.

While 61 indictments were returned, names were not revealed.

"The evidence in many other cases justified indictments," the jury reported to Judge James R. Page of the Circuit Court, "but was of such character we believed convictions could not be obtained."

The Grand Jury specifically accused Local 170, I.A.T.S.E., and rival "rump" unions of being responsible for violence and disturbances at the theatres. Thirteen members of Local 170, including officials, were questioned. Four union operators were detained as suspects, were put through the "show up" for possible identification as bomb throwers, then released. A number of non-union operators, suburban theatre owners and at least one downtown theatre manager testified.

The report disclosed that many sessions of the jury had been held in secret places because of the fear of witnesses they would be subjected to bodily harm if they appeared at the court house. The jury found that many witnesses committed perjury, due to fear.

"The existence of this fear," the jury commented, "is in itself a frightful comment on the law-enforcing agencies of Kansas City."

Salient points of the Grand Jury's report:

"Motion picture theatre owners and the public have been terrorized by the use of bombs in theatres to intimidate owners and force them to employ members of a certain union.

"We believe that the work of grand juries under existing conditions is but a mere gesture at law enforcement. The public is the only grand jury that can return an effective indictment against the public official who does not respect his official oath — who is a representative of a political system that finds profit in protected crime and its allied rackets."

K. C. Local Denies Share in Bombings

KANSAS CITY, Nov. 14.—Denying racketeering charges by the Jackson County Grand Jury, Local 170, has issued a statement blaming "outlaw" unions for much of the violence at theatres in the last two years. The statement was signed by H. H. Dunavan, president; Frank Dowd, business agent, and L. L. Stewart, treasurer.

The union officials point out that officers of a "rump" union were convicted and are now serving penitentiary sentences for bombing Loew's Midland Theatre, where I.A.T.S.E. operators were employed.

"Many other instances may be pointed out where tear gas bombs and stench bombs were discharged where our members were and are now regularly employed," the officials said. Homes of union officers were damaged by bombs and union headquarters were bombed on two occasions, according to the statement. President Dunavan said that as recently as Sept. 3 last the Fox Linwood, a union house, suffered a stench bomb attack.

"We unalterably oppose such activities and will gladly join with authorities in suppressing any such violations of law," the statement continued.

"Eskimo" Premieres

"Eskimo" opened at the Astor last night to the tune of the usual sunlight arcs, ermines and toppers. The upper crust of filmdom turned out in sizeable numbers.

Among those present was Hunt Stromberg, M-G-M associate producer, whose charge "Eskimo" was. He arrived from Hollywood yesterday.

Warners to Finish Thirty This Month

HOLLYWOOD, Nov. 14.—By the end of this month Warners expect to have 30 features, half their 1933-34 program, complete. The company is well ahead of its release schedule with 11 completed and not yet out.

These 11 include: "Bedside," "Dark Hazard," "Easy to Love," "From Headquarters," "The House on 56th St.," "Havana Widows," "Lady Killer," "Mandalay," "Massacre," "Son of a Sailor" and "The Big Shakedown."

Those scheduled for completion this month are: "As the Earth Turns," "Hell's Bells," "Hi, Nellie," "Wonder Bar," "Gambling Lady" and "Heat Lightning."

Four Omaha Houses In New Blank Group

OMAHA, Nov. 14.—The Orpheum, World, State and Paramount have been included in the Tri-State Theatres Corp., organized in Des Moines by A. H. Blank. The new company takes the place of the various operating organizations necessitated by the bankruptcy of Publix.

Heading the list of promotions in the Blank organization is that of Stanley Brown, manager of the Orpheum, who goes to Des Moines as city manager. Brown was formerly a Publix district manager.

The rumored deal between Blank and Ralph D. Goldberg of the World Realty Co. here, lease-holder of the World and State, is still pending.

"A picture that can play on the public's heart-strings as the public likes to have its heartstrings touched, in any age."

The Hollywood Reporter

THE MOST GLORIOUS LOVE STORY SINCE "7th HEAVEN"!

A Man's Castle

A FRANK BORZAGE *Production*

with

SPENCER TRACY

LORETTA YOUNG

Screen play by Jo Swerling

From the play by Lawrence Hazard

•

A COLUMBIA PICTURE

A Screen Guild Picture

U. A. Wins in Deal For Marx Brothers

(Continued from page 1)

the company would continue to handle the comedians' product after "Duck Soup."

First release is not set, but, according to present plans, the initial picture will not be ready until next September, indicating that the Marxes will not be listed on the 1933-34 U. A. program. Gummo Marx, the fifth of the clan, will pass on all contracts, it is understood, and is setting up an office at the U. A. home office to handle the job.

Lichtman Restores Two U.A. Divisions

(Continued from page 1)

the western area and Harry Gold taking over the east.

The setup does not affect the district managers. Schlaifer plans to make a tour of exchanges under his supervision in the near future, but has set no date for leaving.

Kelly En Route to Paris

PARIS, Nov. 14.—Arthur W. Kelly, head of the U. A. foreign department, is en route here from India. He plans to sail for the United States shortly after his arrival and is due in New York about Dec. 1.

Joseph Schenck East

HOLLYWOOD, Nov. 14.—Joseph M. Schenck, president of United Artists, leaves for New York Wednesday night. He may take in Europe before returning here about Jan. 23.

Para.'s New Setup Ready in 2 Weeks

(Continued from page 1)

unit under the administration of the Paramount Publix trustees in bankruptcy, involves a change of name for the theatre subsidiary, with issuance of stock in the new organization to Paramount Publix in consideration for Publix Enterprises' indebtedness to the parent company, which is the largest creditor of the theatre company.

White Sulphur Set For Para. Meeting

Special meeting of all divisional and district managers of Paramount at White Sulphur Springs Nov. 18-21 will strictly be a sales session. No studio officials will attend.

Headed by George J. Schaefer, general manager, the contingent will include Neil Agnew, sales manager; J. J. Unger and Stanley Waite, divisional heads, and 11 district managers.

Bishops to Talk Films

WASHINGTON, Nov. 14.—Clean films will form one of the topics of discussion during a two-day session of 102 Roman Catholic bishops scheduled to start here tomorrow.

Looking 'Em Over

(Continued from page 2)

"Carnival Lady"

(*Majestic*)

Romance and life of performers working under the big top. With Boots Mallory as the star, this melodrama stacks up as average entertainment. It was produced by Ken Goldsmith with Howard Higgin directing. In the cast are Allen Vincent, Donald Kerr, Rollo Lloyd, Gertrude Astor, Kit Guard and Antia Faye.

Left penniless by a bank collapse, Kerr sets out to earn his own salt. In a nearby town he joins a carnival when the high diver is injured. The hero falls for Miss Mallory and, as time goes by, decides to marry her. The heroine agrees, but when the show visits the hero's home town, his wealthy friends ridicule the contemplated marriage. Kerr even gets an offer to work for one of his friends at $5,000 a year. He turns it down, so the friend goes to Miss Mallory and gets her to break the engagement. She does.

When the high diver returns to the show after his recovery, he gets into a brawl with one of the hero's friends and in the fall fractures his skull. Kerr comes to the rescue by making the high dive and making it appear he was hurt. When he is carried into Vincent's tent, he changes clothes before the doctor arrives and succeeds in having the medico announce the death of the diver as a result of injuries sustained while making the dive.

Kerr and Miss Mallory marry, but his friends change their attitude about the girl, agreeing unanimously they misjudged her from the start. The usual freaks constantly put in an appearance to give the picture an atmosphere of carnival life.

Columbia Busy on 8, With 7 About Ready

HOLLYWOOD, Nov. 14.—Columbia has eight in work and seven about ready to start, somewhat of a production rush for this plant.

The eight before the cameras are: "No Cannons Roar," "Night Bus," "Let's Fall in Love," "Shadows of Sing Sing," "Fog," "Before Midnight," "Once for Every Woman" and "Straightaway."

Those scheduled for an early start are: "Ninth Quest," "Take the Witness," "Produce the Body," "Whirlpool," "Black Moon" and "Murder in the Studio," and an aviation story for Tim McCoy now being written by Horace McCoy.

Goldwyn Signs Cooper

HOLLYWOOD, Nov. 14.—Before his departure for New York tonight Gary Cooper was signed by Samuel Goldwyn to play opposite Anna Sten in "Barbary Coast." His contract with Paramount permits him to do one film annually for another producer. The actor gave preference to Goldwyn because it was the latter who gave him his first big opportunity seven years ago opposite Vilma Banky in "The Winning of Barbara Worth."

Cooper will return to the coast Dec. 20.

Re-Sign Heather Angel

HOLLYWOOD, Nov. 14.—Fox has renewed its first option on Heather Angel's contract. The actress is now working in "Seven Lives Were Changed."

The studio has signed Hugh Williams, English actor, to a long-term contract. Winfield Sheehan negotiated the deal while in London.

Williams will leave England for Hollywood in 30 days.

Warner Ball Jan. 20

Warners will hold their annual ball at the Waldorf Astoria on Jan. 20.

No A. F. of L. Charter Is Seen for Guild

WASHINGTON, Nov. 14.—No charter will be granted the Screen Actors' Guild by the American Federation of Labor, it was indicated here today upon receipt of a report that the association had filed an application.

The matter of granting charters to organizations composed of more than one class of workers was prominent in the discussions of the Federation's annual meeting here last month, when action was taken which, it is said, precludes the granting of the Guild's charter.

It was pointed out that the Actors' Guild is composed of actors, whom the Federation feels should join Equity; stage hands and cameramen, who should join the I. A. T. S. E., and musicians, who should belong to the Musicians' Union.

Pathe Reports Gain Far Above Year Ago

For the third quarter Pathe Exchange, Inc., reports net profits of $423,562 after taxes and charges, as against profits of $28,699 for the similar period of 1932. Net profits for the first nine months of the year were $369,289, as compared with $30,846 the same period last year.

Alice Brady Re-Signed

HOLLYWOOD, Nov. 14.—Alice Brady has been given a new long-termer by M-G-M. She has just completed work in "The Vinegar Tree."

"Prizefighter" Held Over

"The Prizefighter and the Lady" is being held for a second week at the Capitol. Kate Smith will warble her Swanee music another week.

Lesser After U. K. Films

LONDON, Nov. 14.—Sol Lesser, in from New York, states he is seeking six British films for American release.

3 Changes Made In St. Louis Board

ST. LOUIS, Nov. 14.—Stockholders of the St. Louis Amusement Co. have elected nine directors to serve during the year.

But three changes were made, Dan Michalove, S. B. Friedman and H. S. Bareford, all of New York, making way for three St. Louis attorneys for the Warner interests. This change was made because of the convenience of having local residents representing majority stockholders.

The new board is composed of Leto J. Hill, G. L. Wiegand, Sam B. Jeffries, Paul F. Plummer, Harry M. Warner, Albert Warner, Abel Cary Thomas, Sam Carlisle and Arthur E. Simpson.

The directors will meet some time during the next few weeks to elect.

Sanders to Give Party

Many Fox home office officials and practically every local exchange head will attend the Bar Mitzvah and luncheon party of David Joseph Sanders, son of Morris, assistant exchange and office manager of the Fox New York branch. The confirmation will be held on Nov. 25 at the Jacob H. Schiff Center in the Bronx with Reverend Dr. Basel supervising the ritual.

Among the 200 expected are Louis Nizer, who may act as toastmaster at the luncheon, and John Lyons, recently elected borough president of the Bronx.

Ohio MPTO Elects Dec. 5

COLUMBUS, Nov. 14.—P. J. Wood, business manager M.P.T.O. of Ohio, has notified the membership that the annual election of officers for the ensuing year will be held Dec. 5, at which time detailed information will be given on the plan to attempt the repeal of the admission tax. The new code also will be explained and discussed.

Court O.K.'s Contracts

HOLLYWOOD, Nov. 14.—Contracts of Jane Hamilton and Bonnie Bannon, 17 and 18, respectively, were ratified in court today for Samuel Goldwyn, who picked the girls from the "Roman Scandals" cast as the nucleus of a stock company of eight.

More Westerners East

HOLLYWOOD, Nov. 14.—Mrs. A. Schulberg of the Schulberg-Feldman Agency, leaves for New York Saturday to catch new Broadway plays.

Gregory Ratoff heads east the same day on vacation.

House for E. 57th St.

Founders Enterprise Corp. of America has purchased property on the northeast corner of 57th St. and 3rd Ave. from the Manufacturers Trust Co. as a site for a theatre.

Singer Gets St. Louis

ST. LOUIS, Nov. 14.—Harry Singer, F. & M. midwest district manager, is in charge of the St Louis, recently acquired by F. & M. as a unit in the circuit's national setup.

Doris Warner Returns

Doris Warner, daughter of H. M., returned from the coast yesterday after a few weeks at the Warner studios.

"Angel" Holds Lead in L. A. With $19,500

Los Angeles, Nov. 14.—"I'm No Angel" was still strong at the Chinese, in its third week, pulling in a gross of $19,500. This is $5,500 over par. "White Woman," plus a stage show, was in second place, with $15,000, $3,000 under the Paramount average. "College Coach" at the Downtown was good for $13,650.

Total first run business was $101,-200. Average is $103,400.

Estimated takings for the week ending Nov. 8:

"I'M NO ANGEL" (Para.)
CHINESE—(2,500), 50c-$1.65, 7 days, 3rd week. Sid Grauman prologue. **Gross:** $19,-500. (Average, $14,000.)

"THE MAD GAME" (Fox)
LOEW'S STATE—(2,415), 25c-40c, 7 days. Fifi d'Orsay on stage. Stage show. Ed Lowry and his band. **Gross:** $9,500. (Average, $14,000.)

"WHITE WOMAN" (Para.)
PARAMOUNT—(3,598), 25c-40c, 7 days. Georgie Stoll and his orchestra, stage show. **Gross:** $15,000. (Average, $18,000.)

"AFTER TONIGHT" (Radio)
RKO—(2,700), 25c-40c, 7 days. **Gross:** $3,500. (Average, $8,000.)

"COLLEGE COACH" (Warners)
WARNERS (Hollywood)—(5,000), 25c-55c, 7 days. Teddy Joyce and his orchestra, stage show. **Gross:** $12,500. (Average, $14,000.)

"COLLEGE COACH" (Warners)
WARNERS (Downtown)—(3,400), 25c-55c, 7 days. Max Fisher and his orchestra. Billy Snyder, m.c., stage show. **Gross:** $13,650. (Average, $12,000.)

"BITTER SWEET" (U. A.)
FILMARTE—(890), 40c-50c, 7 days. 2nd week. Disney's "Pied Piper." **Gross:** $2,000. (Average, $2,650.)

"BEAUTY FOR SALE" (M-G-M)
CRITERION—(1,610), 25c-40c, 7 days. stage show. **Gross:** $3,800. (Average, $2,800.)

"MY WOMAN" (Col.)
LOS ANGELES—(3,000), 15c-25c, 7 days, stage show. **Gross:** $4,750. (Average, $3,700.)

"DOCTOR BULL" (Fox)
ORPHEUM—(2,200), 25c-35c. 7 days. 10 acts vaudeville. **Gross:** $4,200. (Average, $4,250.)

"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(2,100). 25c-40c, 7 days. Sid Grauman prologue, Chic Sale on the stage. **Gross:** $12,800.

Indianapolis Tips 'Parade' to $9,000

Indianapolis, Nov. 14.—"Footlight Parade" ran away with the big business here last week, piling up $9,000. over par by $5,500, at the Circle.

The other bright spot on the theatre map was the Palace, where "Broadway Thru a Keyhole" reached $6,000. Business elsewhere was off.

Total first run business was $28,500. Average is $26,000.

Estimated takings for the week ending Nov. 4:

"WORST WOMAN IN PARIS" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

"FOOTLIGHT PARADE" (Warners)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $9,000. (Average, $3,500.)

"THE WAY TO LOVE" (Para.)
INDIANA—(3,300). 25c-55c, 7 days. Stage show. **Gross:** $8,000. (Average, $10,-000.)

"I LOVED A WOMAN" (F. N.)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $6,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500.)

Hollywood On Parade

By BILL SWIGART

Hollywood, Nov. 14.—Rowland Brown is said to have sent George Cukor a kidding wire saying, "All is forgiven, you can now come back.

"Signed, Adolph Hitler."

•

Spec O'Donnell was requested to endorse a preparation for removing freckles and gladly did so, but with an ulterior motive. He wants his rivals to use it so he can grab off all the freckled face parts for himself.

•

The seven poster girls, faces known everywhere as the country's most popular models for advertising photographers and commercial artists, have finished their work with Eddie Cantor in "Roman Scandals" and will soon trek back to New York for less hectic work.

•

Latest of the old-time stars to make a reappearance is Bessie Barriscale, who is coming out of retirement for a small part in "Beloved" now being produced by Bennie Ziedman for Universal. It is because of her friendship and 15 years' acquaintance with Ziedman that the ex-star agreed to accept the part.

•

A prominent producer here upon learning that one of the first string local critics was about to write an adverse review on his latest picture, tried to prevail frantically upon the critic to go easy. The critic replied with that famous Harry Reichenbach retort,

"You change the picture and I'll change my review."

•

Due to the fact that Harry Rapf is devoting his entire time to getting "Hollywood Party" in the can before attempting another production, "Coming Around the Mountain," scheduled as the first May Robson-Polly Moran co-starring picture has been postponed. Miss Robson, however, is busy at Paramount on "Alice in Wonderland" while Polly is loafing.

•

Sid Grauman established himself as an exploiteur-non-plus when he had Baby Leroy appear in the court of the Chinese the other afternoon. His appearance alone would have attracted crowds, but Sid wanted to give the gapers a real show so he had the miniature screen star wash an elephant. The newsreel boys were on hand, which means Grauman will not only get local publicity for the stunt but national as well.

•

A distinguished company took part in Universal's sophisticated comedy, "By Candlelight." Among the extras were a Russian admiral, an Egyptian prince, a Hungarian major and the son of the world's greatest tenor, Enrico Caruso. An Italian countess was also a member of the company, although she discontinued the use of her title many years ago. She was Elissa Landi, co-starring with Paul Lukas, who can also boast of Hungarian aristocracy lineage.

•

IT IS RATHER UNUSUAL that Edris Hartley, art director at Warners, has a clause in his contract permitting him to take day off whenever U. S. C. plays a football game on its home lot. . . . George Raft is the busiest actor in town. He is now working in "All of Me," rehearsing a difficult dance number for "Bolero" and training to fight bulls for "The Trumpet Blows." . . . So large were the crowds at the preview of "Little Women" that Spence Lave, manager of the Fox Ritz ran the picture twice to accommodate a packed house for the second show. . . .

•

STRANGE THINGS DO HAPPEN IN HOLLYWOOD as attested by the fact that the vice-president of a local bank, which held $25,000 cash deposits of a certain film executive, called the depositor, ostensibly to give him some advice, and said,

"Why don't you invest some of this money?"

The executive was quite surprised and asked, nonchalantly,

"Is my money worrying you?". . .

It is also strange that Boulevard commentators are crediting the main characters of "Ten Per Cent," now appearing currently in the *Saturday Evening Post*," to a composite Leland Hayward and Frank Joyce. They have even gone so far to convince one that the article is a direct expose of these two upright business men that the illustrations are perfect images of the two men in question. . . . A member of the state legislature is working as a carpenter at the Warner studios. . . . De Sylva, Brown and Henderson, at one time a harmonious trio of composers, are now competing against each other as associate producers on the Fox lot. Brown is supervising "Movietone Follies"; De Sylva, "Bottoms Up" and Henderson is associated with George White on "Scandals."

Schenck May Get March

Hollywood, Nov. 14.—Services of Fredric March have been offered to Joseph M. Schenck, it is reported, but the latter says he has not signed. The actor has two more weeks to go at Paramount. His agent could not be reached today for information on March's future status.

Hamilton Comes Back

Hollywood, Nov. 14.—After an absence of a year owing to two accidents which nearly crippled him for life, Lloyd Hamilton returns to Educational this week to work under direction of Harry Edwards in a Mermaid comedy tentatively titled "Baby's Buddies."

Superior Planning 12

Hollywood, Nov. 14. — Superior Talking Pictures, Inc., plans 12 westerns for the current season, with Buddy Roosevelt starred in six and Buffalo Bill, Jr., in the same number. Four, "Lightning Range," "Circle Canyon," "The Fighting Cowboy" and "Rawhide Romance," have been finished.

Thalberg Signs Brown

Hollywood, Nov. 14. — Rowland Brown has signed to direct "Stealing Through Life" to be produced by Irving Thalberg for M-G-M.

"Baron" Hits $25,000 for Frisco Lead

San Francisco, Nov. 14.—Despite an NRA parade in which 40,000 marched on Monday night, and election the following day, San Francisco houses stood up with some nice grosses last week. Leading the town was Jack Pearl's "Meet the Baron," which clicked for $25,000 at the Warfield, plus stage, a neat $6,000 over par.

At the Paramount "Footlight Parade" found a receptive audience to the tune of $18,000, $3,000 over normal. "Broadway Thru A Keyhole" was $4,000 above average at $12,000 at the United Artists. The Embassy had the third week of "I'm No Angel," and that clicked for $12,000, which is $4,000 over. To top it off, the Columbia did $9,500 in the first days of "The Private Life of Henry VIII," with $11,000 expected in the next seven days.

Total first run business was $115,-700. Average is $85,000.

Estimated takings:

Week Ending Nov. 7:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
COLUMBIA—(1,200), 50c-75c-$1.50, two-a-day, 5 days. **Gross:** $9,500. (Average, $8,-000.)

"AFTER TONIGHT" (Radio)
GOLDEN GATE—(2,800), 25c-35c-45c-65c, 7 days. Stage, vaudeville. **Gross:** $9,000. (Average, $13,000.)

Week Ending Nov. 9:

"DR. BULL" (Fox)
EL CAPITAN—(2,900), 10c-35c-40c, 7 days. Stage, band. **Gross:** $8,000. (Average, $9,-000.)

"I'M NO ANGEL" (Para.)
EMBASSY—(1,380), 30c-40c-50c, 7 days. **Gross:** $12,000. (Average, $8,000.)

"KING FOR A NIGHT" (Univ.)
ORPHEUM—(3,000), 15c-35c-40c, 7 days. Rube Wolf band, girls, stage. **Gross:** $9,-000. (Average, $10,000.)

"MEET THE BARON" (M-G-M)
WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage, band. **Gross:** $25,000. (Average, $19,000.)

"EAST OF 5TH AVENUE" (Col.)
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage, 10 vaudeville acts. **Gross:** $9,200. (Average, $9,000.)

Week Ending Nov. 10:

"FOOTLIGHT PARADE" (Warners)
PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days. **Gross:** $18,000. (Average, $15,000.)

"MAD GAME" (Fox)
"SOS ICEBERG" (Univ.)
ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $4,000. (Average, $6,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(1,200). 25c-40c-50c, 7 days. **Gross:** $12,000. (Average, $8,000.)

Nebraskans Hit Films

Omaha, Nov. 14.—A resolution favoring a drive to eliminate "undesirable" films was passed by the Nebraska Congress of Parents and Teachers in the 12th annual convention here. Mrs. Max Von Getz of North Platte, Neb., was chosen to head the crusade and it was stated that all units throughout Nebraska will use "every available means to secure an improvement" in the moral quality of films.

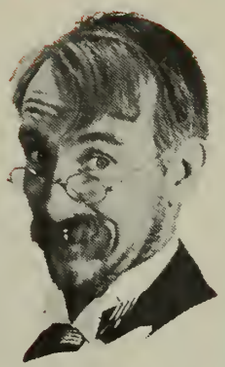
Rogers Sends Girls Home

Hollywood, Nov. 14.—Having completed "Eight Girls in a Boat," Charles R. Rogers is sending the beauty contest girls back to their homes in order to be on hand to make personal appearances during the run of the picture in their respective cities.

EDUCATIONAL'S BIGGEST STAR LINE-UP STEPS OUT IN HIGH WITH RECORD HITS

Names Are Box-office Keynote of Showmen's Recovery Program of Short Features; Lillian Roth and Ernest Truex Score with "Million Dollar Melody" and "Mr. Adam."

Current Comedy Clickers



ANDY CLYDE
in
"HIS WEAK MOMENT"

He was the town's strong man till his weak moment came along. It's a scream.

"GIT ALONG LITTLE WIFIE"
Coronet Comedy
with
TAYLOR HOLMES

The laugh's on the alimony racketeer in this clever farce.

TOM HOWARD
in
"STATIC"

High frequency laughs in a radio shop... with no interference.

"MERRILY YOURS"
first of the new series of
"Frolics of Youth"
with
JUNIOR COGHLAN *and*
MARY BLACKFORD

Frolicksome fun for youths of any age.

"LEAVE IT TO DAD"
Mermaid Comedy

One of the fastest action comedies of the year.

ducational Pictures have taken another giant stride ahead of the field. The big name stars of radio, stage and screen signed up to reinforce *Educational's* established favorites, have begun to deliver... with a k. o. wallop in every reel. Their comedy hits are scaling new peaks of short subject box-office valuation.

East and West . . . *Educational's* production units are giving 'er the gun in an unprecedented flight of short subject showmanship... stepping up on a program of entertainment that runs the gamut of public taste, and gives the showman bigger opportunities for profit.

E. W. Hammons Fulfills His Promise of Box-office Talent

No company has ever approached, in one season's comedies, the grand array of box-office names coming to you in *Educational Pictures*. Among the outstanding favorites who are contributing to this showman's program are: Ernest Truex, Andy Clyde, Helen Morgan, Tom Patricola, Tom Howard, Stoopnagle and Budd, Moran and Mack, Milton Berle, Lillian Roth, Olive Borden, Bob Hope, Charles Judels, Taylor Holmes, Junior Coghlan, Tom Howard, and James Melton.

Your Profits Are in Your Hands

There's profit for the showman, too, in the single-reel pictures in which *Educational* is covering such a wide range of amusement angles. There are no funnier cartoons to be had than Terry-toons. Fast increasing sales show their growing popularity. There's a smile for everybody in the new Song Hit Story, "Slow Poke," featuring Stepin Fetchit, the original Lazy Bones. And "Your Life Is In Your Hands," a gem from the Treasure Chest, will have everyone in your audience talking and studying the lines in his hands. It offers a score of opportunities for easy exploitation. *Your profits are in your hands.*

First of New Stars in Parade of Hits

Lillian ROTH
in
"MILLON DOLLAR MELODY"

Ernest TRUEX
in
"MR. ADAM"

The parade of hits from the eastern forces is under way, with Lillian Roth and Ernest Truex leading the procession. Miss Roth, with Eddie Craven, gives *Educational's* Musical Comedies a great send-off in "Million Dollar Melody." This Jack White production, with original songs by James Hanley and Benny Davis, is a picture of big feature calibre in story, music, dialogue and action. And Mr. Truex, with all his big feature successes, has never done a funnier role than that of the nudist colony recruit in the Al Christie production "Mr. Adam."

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FOX FILM CORPORATION

Educational Pictures
THE SPICE OF THE PROGRAM

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 116 NEW YORK, THURSDAY, NOVEMBER 16, 1933 TEN CENTS

Detroit Men Widen Fight Over Booking

Monopoly, Boycott Now Charged to Combine

DETROIT, Nov. 15.—An amended and supplemental bill of complaint, charging monopoly, boycott and restraint of trade, and asking damages from directors of the booking combine, was prepared for filing this week by Attorney Adrian D. Rosen, representing Lew Kane of the Mayfair and Al Ruttenberg of the Iris in their suits against Mid-States Theatres, Inc.

Previously the suits had charged only conspiracy in restraint of trade.

Rosen also announced that suit was to be filed this week by John O'Dell, operator of the Frontenac, Harmony,

(*Continued on page 4*)

Publix Enterprises Plan Up in 2 Weeks

Assets of Publix Enterprises, Inc., bankrupt theatre holding subsidiary of Paramount Publix, will be bought up by Famous Theatres Corp. under the reorganization plan for the theatre company which will be submitted to Referee Henry K. Davis for approval in two weeks.

The reorganization plan is that of the trustees in bankruptcy for Paramount Publix, which, with claims of

(*Continued on page 4*)

Schlaifer Given 16 Exchanges, Gold 11

Split-up of the U.A. sales territory by Al Lichtman gives L. J. Schlaifer 16 exchanges under his supervision and Harry Gold, 11. Schlaifer will supervise Chicago, Cincinnati, Cleveland, Detroit, Indianapolis, Milwau-

(*Continued on page 4*)

Heil, Du Pont!

Hollywood, Nov. 15. — A Hollywood character known for keeping rubber checks in circulation is demonstrating new showmanship tactics. He now mails his checks wrapped in cellophane. He declares they bounce less and keep longer.

Allied Asks for 'Big Man' To Make Code Settlement

WASHINGTON, Nov. 15.—Allied has a new proposal for settlement of the code problem. It is that "a really big man, with the prestige of a national figure" confer with various factions and then write the code himself "with such other provisions as the various factions could agree to."

"A committee could then be created (executive, administrative or Congressional) to inquire into and report on the many issues as to which the parties are unable to agree," the Allied bulletin continues. "We include this suggestion not only in the interest of the independent exhibitors, but also in order that the many public and private agencies and organizations interested in block-booking, etc., may have the benefit of such thorough and impartial inquiries and findings."

No estimate is given as to how long

(*Continued on page 4*)

Myers Cool to Plan That Allied Produce

WASHINGTON, Nov. 15.—Although Allied of New Jersey at a meeting Tuesday wired a recommendation to Abram F. Myers that the national organization enter production and distribution, the proposal found no echoing voice here when Myers today hinted he would pay no attention to it. The recommendation has not reached the general counsel yet, it is understood.

Morros Loses Out; "Soup" for Rivoli

Boris Morros yesterday was vanquished in his fight for "Duck Soup" for the Paramount. After putting up a fight for the picture which was designated as one of the three Paramount films for the Rivoli when United Artists took over the house Morros lost out when U.A. yesterday dated the picture to start Nov. 22 at the Rivoli. It follows "Blood Money," which opened yesterday.

Cleveland Back to One Indie 1st Run

CLEVELAND, Nov. 15.—With the passing of the Hippodrome, largest theatre in the city, to Warners, Cleveland again has only one downtown independent first run, the Allen.

The Hippodrome was built before the days of producer owned houses and was operated as an independent until it was taken over by the B. F. Keith interests. It was the de luxe

(*Continued on page 8*)

He'll Find Out

Hollywood, Nov. 15.—Inspired by General Harbord's recent radio address wherein he declared television was just around the corner, a certain producer here is busy getting facts and plans for installing a midget television system in his office so he can tune in on any set at any time to see and hear what is going on. Is that so wise?

Federal Probe Indicated for K.C. Violence

KANSAS CITY, Nov. 15.—Federal officials here have indicated that a government investigation of Kansas City "labor wars," including alleged racketeering by operators, will be made, possibly by the Senatorial committee currently investigating racketeering in other cities. Already, a Federal probe of the income tax angle of rackets is under way here.

A government inquiry into the operations of an "operator racket" was demanded by the Jackson County Grand Jury, which found local law enforcement agencies tolerant of conditions and the jury helpless in the

(*Continued on page 4*)

Argentine Sets Up Fund Release Plan

A plan for releasing blocked credit balances in Argentina amounting to about $35,000,000 has been offered by the Argentine government and accepted by approximately 100 American concerns, among them several large film distributors. No estimate of what percentage of the $35,000,000 balance represented film companies'

(*Continued on page 4*)

Goldstein Becomes Majestic Official

E. H. Goldstein yesterday joined Majestic as executive vice-president. The company is boosting negative

(*Continued on page 4*)

State Nazism Puts Germany Out of Reels

"U" Uses None—Others Oppose Propaganda

Hitlerite propaganda and stringent censorship of news emanating from Germany are operating to remove that country as a news subject from American newsreels and screens, editors of reels declared yesterday.

While all reels stressed the point that no "censorship" of German news clips was in operation here, it was disclosed that three reels have used no footage of German origin for the past three to six months, while the remaining two have used only three or four clips in the same length of time. The editors of the reels said that this situation resulted not from any policy to eliminate Germany from American newsreels, but solely from

(*Continued on page 8*)

Delay Hearing on Loew's Stock Sale

A hearing on a petition of the Chemical Bank & Trust Co. to sell 660,900 shares of Loew's, Inc., held as collateral for a $20,000,000 bond issue which has been in default since April 1, which was scheduled for a hearing before Federal Judge John C. Knox in U. S. District Court here yesterday, was postponed until today.

(*Continued on page 4*)

Report Code Long In Roosevelt Hands

WASHINGTON, Nov. 15.—Authoritative reports here have it that a copy of the code has been in the hands of and under the consideration of the President for about two weeks, although the document is still officially in the hands of the Recovery Administration. This bears out the intima-

(*Continued on page 6*)

Four to Go

Hollywood, Nov. 15.—After watching Flo Desmond do her impersonations of Mae West, Lupe Velez and Katherine Hepburn at the local Pantages, a local wag expressed a desire to date La Desmond up for three different nights.

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Levy Meets ITOA Men

Jules Levy, general sales manager of Radio, today meets with the executive committee of the ITOA for the second time this week to discuss percentages and preferred playing time demands. Earlier this week Levy met with the group and a second meeting was arranged.

Para. Men Set to Leave

Paramount home office and eastern sales executives leave tomorrow for White Sulphur Springs, W. Va., for the three-day meeting which starts Saturday. George J. Schaefer, J. J. Unger, Stanley Waite, Neil Agnew and Milton Kusell comprise the party leaving New York.

Tashman, Grant Speak

Lilyan Tashman and Cary Grant will be the guest speakers at the A. M. P. A. luncheon today at Sardi's. Al Wilkie will do the honors. Vincent Trotta's book, "Screen Personalities," will be auctioned for the benefit of the *Film Daily* relief fund.

M-G-M Pep Club Meets

The New York M-G-M exchange pep club yesterday held its monthly meeting and decided to hold a party around Christmas. Time and place unsettled. Herman Ripps is president.

Staab Services Held

MILWAUKEE, Nov. 15.—Funeral services were held here yesterday for Henry A. Staab, 58, former executive secretary of the M. P. T. O. of Wisconsin.

BUSINESS OPPORTUNITIES

EXECUTIVE with long record of successful accomplishments in clearing up bad and losing situations; willing to undertake to clear your worst problem, without pay, until successful culmination of matter, fully approved by your board, when compensation to be paid on a percentage basis or fixed-fee basis. Address NATHAN SCHWARTZ
125 West 40th St. Suite 2007 New York N. Y.

The Pay-Off

IF "The Prizefighter and the Lady" proves anything at all, it is our idea that it demonstrates the futility of trying to make rules hold in this business.

Walking out of the squared ring, Max Baer, the pug, in one picture becomes Max Baer, new marquee name. It doesn't seem to make sense, but there it is.

Baer is young, physically a kind of Greek god, boyish, and as much at ease before the cameras as any well-seasoned Hollywood trouper is or could hope to be. His voice records pleasantly, he can sing enough to get himself by and apparently can toss off a dance step or two as well. Full face, he is not too hot. In profile, he clicks. Therefore, M-G-M, no doubt, will stick to the profiles.

▼

THE picture itself is a telling instance of the oldest kind of story hash, re-cooked with intelligence sufficient to make register with a bang an asthmatic yarn of the fighter who flashes to the top, gets a swelled head, wins the girl in whirlwind romance, then takes a near-beating to knock some sense into his head.

It reminds of the memorable line Mae West used to pull in her solo vaudeville days. Mae wore a diaphanous gown that shimmered and clung to what was then a slim, arresting figure while she sang a song called "It Isn't What You Do, But How You Do It."

Aside from undeniably big box-office, which "The Prizefighter and the Lady" will be, the picture is strong in performances by a gilt-edged cast including Myrna Loy, Otto Kruger and Walter Huston, with Jack Dempsey, Primo Carnera and other bigwigs of the fight world added for male thrills.

Miss Loy, gradually weaned away from dancing girls and vixen parts, has opportunity to act here and goes to it as we have never seen her do before. She does a job that might be described as immense without painting any lilies about the matter.

▼ ▼

FROM London. Interesting, but hardly startling is the opinion voiced by S. R. Kent that cuts in star salaries are doubtful. A quote:

"There are not enough big people to go round. I can get plenty of cheap people, but the people who can do things have to be made. The worst of the big salaries is the atmosphere created by the people thinking the stars are overpaid. There is only a handful of good people."

Kent seems to think, it appears, there is only a handful of big people and, of course, he is correct. Salaries, no matter how sky-high they may go, will continue to go to those who prove by the box-office they are entitled to them.

▼

THAT'S show business, always has been show business and forever more will be show business. The truth of the situation is really very simple:

The business depends on getting by on big names. Producers, from time to time and for reasons substantial enough, principally the fact they didn't have any themselves, have tried to break away from stars. The record shows they hot-

(*Continued on page 7*)

Most Issues Remain Steady

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	22	22	22	— ½	200
Consolidated Film Industries	3⅛	3	3⅛	.....	300
Consolidated Film Industries, pfd	10	9⅝	10	+ ½	300
Eastman Kodak	72	68⅜	69	—4½	1,900
Fox Film "A"	14	14	14	— ⅝	100
Loew's, Inc.	29⅜	28½	28⅝	.....	900
Paramount Publix	1¾	1⅝	1⅝	— ⅛	300
Pathe Exchange	1¾	1½	1⅝	+ ⅛	5,500
Pathe Exchange "A"	9¼	8⅞	9¼	+ ¼	5,500
RKO	2⅜	2⅜	2⅜	— ⅛	100
Warner Bros.	6⅜	6⅛	6⅛	— ¼	3,500

Trading Light on Curb

	High	Low	Close	Net Change	Sales
Sentry Safety Control	¼	¼	¼	+ 1/16	200
Technicolor	11⅛	11⅛	11⅛	+ ⅜	100
Trans Lux	2	1¾	2	+ ¼	200

All Bond Issues Show Loss

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	35⅜	35⅜	35⅜	— ⅜	2
Keith B. F. 6s '46	47	45⅜	45⅜	.....	10
Loew's 6s '41, ww deb rights	80½	79¾	79¾	— ¾	10
Paramount Broadway 5½s '51	29	29	29	—1	3
Paramount F. L. 6s '47	26⅞	26⅞	26⅞	— ⅝	1
Paramount Publix 5½s '50	25¾	24½	24½	—1¼	4
Warner Bros. 6s '39, wd	39	37½	37½	—1¼	22

Purely Personal

VERA BLUMBERG is in Chicago and returns about Thanksgiving Day with LEWIS and DODO, the family offspring. Permanent headquarters for the BLUMBERGS, including NATE, will be New York.

"BUD" POLLARD completed "Play Day for Plasterers" yesterday, his first industrial picture, at the new Grantwood plant, for General Business Films, Inc.

HAL LEROY leaves for the coast at the end of the week to appear in "Harold Teen" for Warners. He has just finished "Private Lessons," a Vitaphone short.

MOE STREIMER, local U. A. exchange manager, is now in Utica and from there goes to Albany and Gloversville.

ETTA KLEIN ran into a bus accident in London a couple of weeks ago, but injuries are reported not to be serious, although painful.

PETER FREUCHEN will be the guest of the Catholic Actors' Guild Sunday evening in their annual open meeting at the Ambassador.

BOB WOLFF, manager of the local RKO Radio exchange, is back at his desk after being away with a sprained ligament.

PAT PATTERSON, English actress recently signed by Fox, who arrived here Tuesday, will leave Saturday for Hollywood.

AL MENDELSON, New Jersey Fox exchange booker, has a new addition to his family, making it two girls all told.

DOUGLAS MONTGOMERY arrived in New York from Hollywood yesterday morning by plane.

CHARLIE MCCARTHY is battling a slight cold. GORDON WHITE just over one and still wobbly.

TUILIO CARMINATTI returns to the Main Stem from Hollywood soon. He has a play somewhere in the offing.

BERT LAHR will be starred in "Henry the Ache," a two-reel short to be made by Magna Pictures.

LOU GOLDBERG, head of Columbia's exploitation department, leaves today for Washington.

AL LACKAY has left New York to join SOPHIE TUCKER (MRS. LACKAY) in Hollywood.

DAVE RUBINOFF alights from the Hollywood-to-New York train today.

MIRIAM HOPKINS is expected in from the coast shortly.

CLAUDE RAINS has arrived in New York for a vacation from Hollywood.

THERE IS NOTHING BIGGER THAN

ESKIMO

Tuesday at the $2 Astor Theatre, N.Y.
"Trader Horn" yielded its laurels to an even
greater Metro-Goldwyn-Mayer attraction

A W. S. VAN DYKE PRODUCTION

Detroit Men Widen Fight Over Booking

(Continued from page 1)

Buchanan and Dunbar, for the latter house against Mid-States.

The combine will be attacked from a new angle in this suit. Inasmuch as contracts already have been made by competitive houses, the suit seeks to enjoin the various film exchanges here from servicing the Castle and Arcade. It is alleged that the Castle and Arcade have bought all product except M-G-M.

Now included in the Mid-States suit by Kane and Ruttenberg, according to Rosen, are Lou Wisper, Fred DeLodder, Gus Funk, Tom Lancaster, Steve Springett and Frank A. Wetsman, from whom damages are sought.

Elimination, restriction or sanction of exhibitor booking combines was an issue which the proposed industry code was expected to settle, but has not so far, at least. No mention of buying combines appeared in any of the three NRA drafts.

Trade practices not specifically curtailed in the code obviously fall outside of its jurisdiction. Booking combines are not alone in this exception. Poster exchanges, which distributors in their original code wanted to rule out, escape code control because the objections first raised were voluntarily withdrawn by distributors on the floor of the public hearings in Washington weeks ago.

Detroit Exhibitors Lining Up New Unit

DETROIT, Nov. 15.—Convinced that Allied of Michigan does not intend to alter its views concerning Mid-States Theatres and that the local situation will remain as is as far as they are concerned, exhibitors who protested to the board of directors last week and who have been contemplating formation of a new exhibitor organization here, this week said they would press plans for completing the new body in the near future.

A meeting will be called next week, it was said, at which time the new organization will be perfected and officers elected. The body also will then determine the campaign it is to carry on.

Charles Komer was elected temporary chairman of the new body at its last meeting, held about three weeks ago.

Schlaifer Given 16 Exchanges, Gold 11

(Continued from page 1)

kee, St. Louis, Kansas City, Omaha, Denver, Minneapolis, Los Angeles, San Francisco, Seattle, Salt Lake City and Canada. Gold will handle New York, Boston, New Haven, Buffalo, Philadelphia, Pittsburgh, Washington, Atlanta, Charlotte, New Orleans and Dallas.

Report Matinee Pickup

Matinee business around the country is reported picking up, according to representatives of the various home offices.

Allied Asks for 'Big Man' To Make Code Settlement

(Continued from page 1)

this would take, but the bulletin says: "The industry undoubtedly is suffering in all its branches from the uncertainty resulting from the protracted code proceedings."

In the same bulletin it is claimed that an exchange manager is consulting exhibitors not members of Allied regarding the makeup of local zoning and grievance boards.

"Information has reached Allied headquarters," the bulletin continues, "of 'unofficial' offers of appointment to the boards having been made by groups affiliated or cooperating closely with the producers."

Kuykendall Asked to Address N. J. Allied

NEWTON, N. J., Nov. 15.—Sidney Samuelson today sent an invitation to Ed Kuykendall to attend a meeting of New Jersey Allied and explain the MPTOA stand on the code. The invitation includes any MPTOA members Kuykendall cares to bring along.

Samuelson's letter follows: "This morning's trade papers print a statement attributed to you from which the following is quoted:

"'I cannot believe the procedure of these three or four self-styled leaders really represents the sentiment of any appreciable number of the membership of Allied States.'

"I believe that you should be given an opportunity to prove your assertion. Therefore, I extend to you a cordial invitation to attend a meeting of the Allied Theatre Owners of New Jersey, at which time you will be accorded every opportunity to present to the independent exhibitors of New Jersey your arguments in favor of the proposed code.

"This meeting can be arranged at a time convenient to you in New York city, or in any city in the state of New Jersey. If you desire that you be accompanied by any members of the MPTOA, all of these persons will be given every courtesy as guests of New Jersey Allied.

"Let me assure you that this invitation is extended to you and such others as you care to bring along in a sincere effort to clear the atmosphere once and for all on the question of the motion picture code.

"Your prompt acceptance designating the time agreeable to you and also indicating your choice of a city in which the meeting is to be held will be greatly appreciated."

Kuykendall said yesterday that he had not received the invitation as yet, and preferred not to make any comment until he had read it.

Nathanson Visiting

N. L. Nathanson, president of Famous Players Canadian Corp., is in New York conferring with Paramount officials on a number of matters reported concerning the big Canadian circuit.

Death Won't Affect Pact

WASHINGTON, Nov. 15.—The death of Edward N. Hurley, former head of the U. S. Shipping Board, will have no effect on the code, it was learned here today.

Night and Day

New slant in politics is in the offing when Ralph Budd, personnel manager of Warners, takes over the mayoralty of Wyckoff, N. J., on Jan. 1.

Budd will continue his post at Warners during the day and when he gets home at night he will take up his duties as mayor.

His night job will net him approximately $350 a year.

Publix Enterprises Plan Up in 2 Weeks

(Continued from page 1)

approximately $6,000,000 against Publix Enterprises, is the largest creditor of the latter company. Famous Theatres' stock would be issued to Paramount Publix to satisfy its claims against Publix Enterprises.

Famous Theatres Corp. was organized in Delaware late in August, as reported in MOTION PICTURE DAILY of Sept. 1, as the basis of the Publix Enterprises reorganization plan. Y. F. Freeman, W. B. Cokell and M. F. Gowthorpe, all Paramount Publix executives, were the incorporators.

New Plans Up Soon On Criterion Block

New plans involving either the retention or disposal of the Broadway theatre block from 44th to 45th streets are under consideration by the Paramount Publix trustees and when complete will be submitted to Referee Henry K. Davis for approval. A three months' extension of matured interest payments on the property expired yesterday.

The block, which includes the Criterion and Loew's New York properties, is held by Seneca Holding Corp., a subsidiary of Paramount Publix, and was offered for sale by the Paramount Publix trustees last summer. When no bids were received, the trustees were authorized by Referee Davis to make a $90,000 payment to obtain an extension of the interest maturity to Nov. 15. The trustees' petition stated at the time that it was their hope that improved trade conditions might create a better market for the property in the interim.

Argentine Sets Up Fund Release Plan

(Continued from page 1)

blocked credits in Argentina could be obtained yesterday.

The plan provides for issuance of 15-year, interest bearing Argentine treasury bills, payable in U. S. currency.

Lewis Milestone Sails

PARIS, Nov. 15.—Lewis Milestone today sailed for New York and the Columbia home office.

Federal Probe Indicated for K.C. Violence

(Continued from page 1)

face of intimidation of Grand Jury witnesses. The jury's report said the public had little confidence in the police to give protection against criminals who might retaliate against those giving information to the Grand Jury.

Union in K. C. Charges Move to "Embarrass" It

KANSAS CITY, Nov. 15.—Officials of Local 170, I.A.T.S.E., charge suburban theatre owners with attempts to embarrass them in impending contract negotiations as their explanation of why the Grand Jury investigation of the union was undertaken. The union's view is the exhibitors inspired the probe with the purpose of obtaining sympathy of the public in event of recurrence of trouble which has marked previous wage negotiations.

The operators' union and the Independent Theatre Owners were to begin their confabs on a new contract this week, the current agreement expiring Nov. 30. If the union's contention is correct, then the Grand Jury sessions came at an opportune time for the exhibitors, as the investigation, according to the jury's report, disclosed an organized racket.

The Grand Jury's report that Local 170's charter had been suspended is denied by H. H. Dunavan, president. He said the I.A.T.S.E. headquarters had assumed jurisdiction of the local, following the operators' "war" of two years ago, and several months ago appointed a new slate of officers who hold office at the pleasure of the I.A.T.S.E. international. The regular procedure of elective officers has been revoked and the local is operating under probation, Dunavan said.

Delay Hearing on Loew's Stock Sale

(Continued from page 1)

If approved by the court, the sale will be held Nov. 27, with the bidders believed to be confined to the present holders of the defaulted bonds. Chase National Bank is the principal bondholder.

Accompanying the Chemical Bank's petition is another from John R. Hazel and Thomas Nelson Perkins, trustees of Film Securities Corp., asking that the affairs of the latter concern be wound up and that their trusteeship be discharged.

Goldstein Becomes Majestic Official

(Continued from page 1)

costs on all pictures, shooting for "A" playing time.

For years Goldstein was general manager of Universal and then entered independent production on his own.

CHICAGO, Nov. 15.—Percy Barr, manager of the new Majestic exchange here, will hold open house on Nov. 21.

TODAY NEW YORK WILL ECHO
THUNDEROUS APPLAUSE FOR
A PICTURE THAT WILL LIVE ON
FOREVER . . . IN GLORY UNDIMMED
Katharine
HEPBURN
in
LITTLE
WOMEN
With
JOAN BENNETT
PAUL LUKAS
FRANCES DEE
JEAN PARKER
Edna May Oliver
Douglass Montgomery
Henry Stephenson
NRA
MEMBER
U.S.
WE DO OUR PART
RKO
Radio
PICTURES
Now . . . World Premiere
Radio City Music Hall
MERIAN C. COOPER, Producer
Kenneth Macgowan, Associate
GEORGE CUKOR, Director

Quiz Byrnes on Deal With Projector Co.

WASHINGTON, Nov. 15.—Called before the senatorial committee investigating Wall Street operations today, S. M. Byrnes, president of the International Projector Corp. who headed the Nicholas Power Co. at the time of its sale to the former, proved practically valueless as a witness, asserting inability to recollect any of the details of the transaction.

Asked by Ferdinand Pecora, counsel for the committee, if he could remember the names of the present directors of the projector company, Byrnes said he could, but could name only three of the four who with himself constitute the directorate.

Byrnes, however, assured the committee that he had not entered into the negotiations for the sale of the power company, which he said were conducted by Harley Clarke, apparently acting for others.

Byrnes will be further interrogated tomorrow and will be followed on the stand by Clarke.

"Bowery" Heads List

Seven features qualified for listing among *Motion Picture Herald's* "Box-Office Champions" during October. They are: "The Bowery," 20th Century; "I'm No Angel," Paramount; "Too Much Harmony," Paramount; "Dinner at Eight," M-G-M; "Night Flight," M-G-M; "Lady for a Day," Columbia, and "The Power and the Glory," Fox.

Four Warnerites Ill

Warnerites in the sick bay include Jess Gourlay, assistant art director, who is laid up with ulcer trouble; Anthony Gablic, art director, with an infected ear; Bess Baskin, recovering at home after an appendicitis operation at the Jewish Hospital, Brooklyn; Jean Smith, with an attack of appendicitis.

Loew's Books "Parade"

Loew's has booked "Footlight Parade" for the Metropolitan circuit, starting Nov. 24. It will run an extra week at the State, Valencia and Paradise because of Thanksgiving, under the terms of the deal.

Scott, Grant, James In

Randolph Scott arrives from Hollywood Friday to join Cary Grant on his trip to England. They plan to be away three weeks. Will James, author of "Lone Cowboy," Paramount release, gets in today from the Coast.

Publix Hearing Off

A hearing on a future rent claim filed against Publix Enterprises by Sunrise Realty Corp., and scheduled for yesterday before Referee Henry K. Davis, was postponed to Nov. 22.

Vitaphone Open 5 Years

Vitaphone studio in Brooklyn next month will celebrate its fifth anniversary under Warner operation. Sam Sax and his co-workers plan a party at the studio to celebrate.

Yates' Trip "Routine"

HOLLYWOOD, Nov. 15.—Herbert J. Yates' visit is described as "routine" and a periodic visit concerning Consolidated Film Industries.

Looking 'Em Over

"From Headquarters"

(*Warners*)

Practically all of the action takes place in a metropolitan police headquarters with the police applying varying forms of technique to solve the mystery of the murder of a Broadway playboy, Kenneth Thomson.

It moves rapidly and seemed to hold the interest of a Strand audience at the opening show last night, but the romantic phases of the story are subordinated to the police technique. The only love element lies in the fact that Margaret Lindsay, one of the suspects, is a former sweetheart of George Brent, a police lieutenant, and in the unraveling of the crime he tries to protect her and her brother, Theodore Newton.

Finger printing, sorting of cards containing records of past offenders, laboratory tests, third degrees, general alarms, tricks for getting finger prints—all the mechanics of modern crime detection are shown. It all seems quite real, and at times exciting.

Dorothy Burgess gives an impressive characterization of a dope fiend in one short sequence. It was directed by William Dieterle from a story by Robert N. Lee. Peter Milne helped Lee on the adaptation.

"One Year Later"

(*Allied*)

Jealousy on the part of Donald Dilloway almost ruins his life and Mary Brian's, but through the graciousness of Russell Hopton, a reporter, the marital trobles are straightened out. Although Dilloway's boss has been trying to win Miss Brian away from her husband, the heroine remains true to her mate. When the husband returns home and finds his boss paying one visit too many, he accidentally kills him and is sentenced to die in the chair. Enroute to the death house, Hopton takes an interest in the case when he sees Miss Brian on the same train.

Hopton is ill and hasn't long to live. He hits DeWitt Jennings, who is taking Dilloway to the pen, on the head and exchanges places with the hero. He then jumps off the train as it crosses a bridge. Those on the train believe it is the convicted man who has killed himself and that leaves Miss Brian and her husband to start all over again.

It is a thin story puffed with incidental happenings which have no bearing on the plot. Miss Brian tries hard to carry the picture, but the weak yarn is too much of a handicap to hurdle. Dilloway and Hopton work hard and have a hard time trying to be convincing. E. Mason Hopper directed. A Loew's New York audience didn't get excited about it.

SHORTS

"Mr. Adam"

(*Educational*)

Ernest Truex's adventures with a wife who insists on curing his alleged ills through nudism make up the yarn. His objections don't get very far until the law rules out nudist colonies and saves the day. In between, however, the situations go complicated and result in some laughs, not too many. Efforts to have him remove his clothes find the comedian prepared with long and short underwear. His wife asks him the idea and he replies he thought he might enter the colony first as a junior member. It's the best gag and laugh in the picture. Running time, 17 minutes.

"Song of Vienna"

(*Educational*)

This is a 10-minute edited version of a longer German-made film shown at the Vanderbilt Theatre some months ago. Produced and photographed by Willy Goldberger, well-known German cameraman, and scored by Robert Stolz, who wrote the music for "Two Hearts in Waltz Time," the short is an interesting, kaleidoscopic camera journey through Vienna, new and old. The shots are well done in point of camera angles, but the print screened yesterday was grainy.

"Paramount Pictorial"

(*Paramount*)

Moderately entertaining, with much of it having nothing new to offer. It opens rather routinely with a study of some of the common variety of crabs. Next are shots of New York at night. This part of the film is something beautiful to look at. The closing number is a screen interview with Irvin S. Cobb, who proves himself passably amusing. Running time, 10 mins.

"March of the Years"

(*Columbia*)

A picturization of historical events with most of the footage in this applied to Admiral Perry's negotiation with Japan of the first trade treaty with that country. This subject is only mildly interesting and is without distinguishing novelty. Running time, 10 mins.

"Beanstalk Jack"

(*Educational*)

The familiar fairy tale, set to jazz music and cartoon nonsense, and a satisfying number. The outline of the originals followed and jazzed only for additional amusement. Running time, 6 minutes.

Detroit to Tender Frudenfeld Dinner

DETROIT, Nov. 15.—Exchange and theatre managers and others in the industry will gather at the Book-Cadillac Friday night to tender a farewell banquet to Arthur Frudenfeld, former RKO division manager here, who leaves on Monday for New York to assume new duties there.

H. M. Richey, general manager of Allied, will serve as toastmaster, and other speakers will include David M. Idzal, managing director of the Fox; Carl Shalit, Columbia; M. Gottlieb, Universal; Nat Levy, RKO, and J. M. Flynn, M-G-M.

Report Code Long In Roosevelt Hands

(*Continued from page* 1)

tion of several weeks ago that the code would go immediately to the Chief Executive for his scrutiny.

Administrator Hugh S. Johnson, although back from his western trip, has been too busy since his return to see Deputy Administrator Sol. A. Rosenblatt regarding the code. Today, therefore, was a quiet day in the code sector.

Sail for Australia

SAN FRANCISCO, Nov. 15.—Arthur and Mrs. Loew, Joe Vogel and J. J. and Mrs. McCurdy sailed today for Australia. The Loew's are making a world tour by air while Vogel will visit Loew theatres in Australia and other parts of the world. McCurdy recently was named Columbia representative in Australia.

Educ'l Signs Circuits

Practically all of the important circuits in the country have signed for Educational shorts, says Educational. The circuits include F. W. C., Skouras Metropolitan, RKO, practically all the Publix partnerships, Comerford, Shea, and others.

Statewide Case Friday

MILWAUKEE, Nov. 15.—Hearing of creditors in the case of the bankrupt State wide Theatre, Inc., has been continued to Nov. 17. Originally scheduled for Nov. 9, the case was postponed until the later date.

Schnitzer Leaves

Joseph I. Schnitzer, president of Jefferson Pictures, is en route to Hollywood. He will return to New York in about three weeks.

He has a new production venture on tap.

Shearer, Mahlin in Town

Douglas Shearer, head of the M-G-M sound department at Culver City, and John Lee Mahlin, a writer on the same lot, are in town.

Grainger in Field

James R. Grainger of Universal left for a quick swing through the Middle West yesterday. He will visit Chicago, Cincinnati, Pittsburgh and Cleveland.

Wittman to "Philly"

Sig Wittman of Universal today leaves for Philadelphia for a short sales trip. On Sunday he treks to Pittsburgh and then back to New York.

The Pay-Off

(Continued from page 2)

footed it back. Perhaps not because they wanted to, but because they had to.

Today, it may be Hepburn, Gaynor, Dietrich. Tomorrow, Baer or what have you. There is no certainty about the draws of the future, but there is plenty of certainty about the public's demand for them.

▼

AMONG other comment aired by Kent was his belief that the currently big job in production was to cut down dialogue. The job along these lines has been making progress, but it hasn't been completed. For the sake of illusion and action on celluloid—twin reasons why pictures clicked in the very first instance—producers ought more quickly to see the light. For the sake of their foreign markets, without which they would be out of business, it ought to be done.

Foreign managers, or the more sensible among them at least, have been yelling this for months, even years. KANN

"Penthouse" Leads Oklahoma, $4,000

OKLAHOMA CITY, Nov. 15.—Last week was a big one for Oklahoma City theatres. Every first run in town went above average. The reason for this was undoubtedly the fact Oklahoma City sponsored a Harvest Festival the last three days of the week which brought a lot of people to town.

"Penthouse" at the Capitol was easily the big noise, pulling down $4,000, just $1,000 more than average. The Criterion got $5,500 on "Night Flight," which is $500 above normal. The Liberty, a two-change-a-week house held "I Loved A Woman" over three extra days and took $3,500, $500 above par.

Total first run take was $13,700. Average is $11,700.

Estimated takings for the week ending Nov. 11:

"PENTHOUSE" (M-G-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $4,000. (Average, $3,000.)
"NIGHT FLIGHT" (M-G-M)
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $5,500. (Average, $5,000.)
"I LOVED A WOMAN" (F. N.)
LIBERTY—(1,500), 10c-15c-26c-36c, 7 days. **Gross:** $3,500. (Average, $3,000.)
"SOLITAIRE MAN" (M-G-M)
VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $700. (Average week, $1,200.)

"Man's Castle" Held Up by Censor Board

Approval of "A Man's Castle" is being held up by the New York Board of Censors which has ordered out the scene of the two principal players talking in bed after a "fake" marriage. Columbia has appealed to Erwin Esmond, director of the censor board, who has asked his staff to look over the picture again today.

Booking of the film, tentatively slated for Dec. 8 at the Music Hall, has been held up until the matter is settled. Columbia is trying to get the picture through without the cut. Esmond refuses to comment.

"Baron," Band Get $44,000 Chicago High

CHICAGO, Nov. 15.—The decline in first run receipts was further emphasized as the World's Fair closed this week. B. & K.'s Chicago theatre managed to hold up to $44,000 with "Meet the Baron" on the screen and Ben Bernie and his lads on the stage. Takes at other spots suffered perceptibly.

"Broadway Thru a Keyhole" did $16,000 for its first week at the United Artists, while "I'm No Angel" at the Oriental scored $19,000 in its fifth week.

RKO's Palace was down to $20,000 with "After Tonight" on the screen and a mixed vaudeville bill.

Total first run business was $115,000. Average is $120,000.

Estimated takings:

Week Ending Nov. 7:

"I'M NO ANGEL" (Para.)
ORIENTAL — (3,940), 30c-40c-60, 5th week, 7 days. **Gross:** $19,000. (Average, $23,000.)
"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $16,000. (Average, $17,000.)

Week Ending No. 9:

"MEET THE BARON" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Ben Bernie and His Lads, Sheila Barnett & others. **Gross:** $44,000. Average, $34,600.)
"AFTER TONIGHT" (Radio)
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Molly Picon, Three Sailors, Long Tack Sam & Co., Peter Higgins. **Gross:** $20,000. (Average, $22,000.)

Week Ending Nov. 10:

"KENNEL MURDER CASE" (Warners)
McVICKERS — (2,284), 30c-40c-60c, 2nd week, 7 days. **Gross:** $9,000. (Average, $13,000.)
"THE WAY TO LOVE" (Para.)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $11,000.)

"Glory," on Dual Bill, Tops Omaha

OMAHA, Nov. 15.—Finally reaching town, "Morning Glory" at the Brandeis, along with "No Marriage Ties," piled up the only gross of note in the face of good programs and stiff competition. The take was $5,000.

The Orpheum managed to do average business at $7,250 with "The Masquerader" and "Walls of Gold." A dual bill of "Whoopee" and "Pilgrimage" pulled the World into the red once again. The take was $4,500.

Despite editorial and display support by the *Bee-News*, Winchell's "Broadway Thru a Keyhole" failed to draw at the Paramount. It was the worst gross in several weeks, $6,250.

Total first run business was $23,000. Average is $25,350.

Estimated takings for the week ending Nov. 11:

"MORNING GLORY" (Radio)
"NO MARRIAGE TIES" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $4,750.)
"THE MASQUERADER" (U.A.)
"WALLS OF GOLD" (Fox)
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $7,250. (Average, $7,250.)
"BROADWAY THRU A KEYHOLE" (U.A.)
PARAMOUNT — (2,900), 25c-35c-50c, 7 days. **Gross:** $6,250. (Average, $7,500.)
("WHOOPEE" (U.A.)
"PILGRIMAGE" (Fox)
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $4,500. (Average, $5,850.)

A $2,000 Hat

Hollywood, Nov. 15.—Warners have just coughed up 2,000 bucks for a pretty little bonnet for Kay Francis. How and why:

The company was shooting the final scene on "Mandalay," following which it was scheduled to shove off from the Stockton, Calif., location, when Miss Francis' hat blew off and fell in the river. This naturally spoiled the scene but the troupe shoved off for Hollywood anyway.

Arriving home, it became necessary to build an entirely new set to duplicate the houseboat of the location. The studio also built a new hat.

"Bombshell" Pulls $15,000 in Denver

DENVER, Nov. 15.—"Bombshell" skyrocketed the box-office take at the Orpheum, packing the house several times and having holdouts several days. The gross was $15,000, over par by $5,500. "Berkeley Square" gave the Aladdin two holdouts and turned in $3,800, an above-average gross. "One Sunday Afternoon" gave the Denham $8,000 with standouts most every day. Other houses were below par. A snowstorm on Saturday and severe cold snap failed to keep fans away from films they really wanted to see.

Total first run business was $34,600. Average is $28,500.

Estimated takings for the week ending Nov. 9:

"BERKELEY SQUARE" (Fox)
ALADDIN—(1,500), 25c-40c-50c, 8 days **Gross:** $3,800. (Average, $3,000.)
"ONE SUNDAY AFTERNOON" (Para.)
DENHAM—(1,500), 25c-30c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $6,500.)
"THE PRIVATE LIFE OF HENRY VIII" (U. A.)
DENVER—(2,500), 25c-35c-50c, 8 days. **Gross:** $5,000. (Average, $6,000.)
"BOMBSHELL" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show. **Gross:** $15,000. (Average, $9,500.)
"S O S ICEBERG" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,800. (Average, $3,500.)

Shift Vaude in Buffalo

BUFFALO, Nov. 15.—Vaudeville is being shifted back to Shea's Hippodrome, while the Great Lakes takes the Hipp's place as the all-picture "run" house in Buffalo. Scale at both houses remains the same, 25c-40c. Eight acts will be used in the Hipp weekly. With the changes in policy, the managers also shift, John E. Carr going to the Great Lakes and Robert T. Murphy to the Hippodrome.

"Pigs" Sweeping Frisco

SAN FRANCISCO, Nov. 15.—"Three Little Pigs" has been sweeping the neighborhoods in a manner similar to Mae West's "She Done Him Wrong." Most district houses are re-running it and are billing it over the feature pictures. One chain here pulled a neat stunt of placing three live, squealing pigs in a cage outside the theatre. It drew plenty of interest and business.

"World" with Show $38,000 Boston Draw

BOSTON, Nov. 15.—Grosses dropped off from last week, but were still well above average with every first run house making the grade.

"The World Changes" at the Metropolitan, coupled with a fast stage show including the Harmonica Rascals, topped the list at $38,000 and was up $10,000 for the second best week of the season.

Both RKO houses were well above par, with the Boston going $5,000 above average, while Keith's, with "The Invisible Man," was up $3,000. Loew's State with "Night Flight," at $20,000, was $4,000 above par.

Total first run business was $116,000. Average is $95,000.

Estimated takings for the week ending Nov. 9:

"WALLS OF GOLD" (Fox)
BOSTON—(2,900), 25c-50c, 7 days. Kate Smith and Swanee Music Revue. **Gross:** $21,000. (Average, $16,000.)
"FOOTLIGHT PARADE" (Warners)
FENWAY — (1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000.)
"THE INVISIBLE MAN" (Univ.)
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $19,000. (Average, $16,000.)
"NIGHT FLIGHT" (M-G-M)
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaude. **Gross:** $20,000. (Average, $16,000.)
"THE WORLD CHANGES" (Warners)
METROPOLITAN — (4,350), 30c-65c, 7 days. Borrah Minevitch and Harmonica Rascals. **Gross:** $38,000. (Gross, $28,000.)
"FOOTLIGHT PARADE" (Warners)
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

"Journey," Vaude, $12,500, Montreal

MONTREAL, Nov. 15.—"One Man's Journey," aided by vaudeville, led the town last week with a take of $12,500 at Loew's. This is $2,000 over par.

"I'm No Angel" was still a good draw in its second week at the Capitol, holding up to $9,500 and beating house average by $500. The dual bill of "Broadway Thru a Keyhole" and "As the Devil Commands" was good for $7,500 at the Princess.

Wintry weather and the closing games of the football season were a general drawback.

Total first run business was $40,500. Average is $39,000.

Estimated takings for the week ending Nov. 10:

"I'M NO ANGEL" (Para.)
CAPITOL—(2,547), 25c-35c-50c-60c-75c, 7 days. **Gross:** $9,500. (Second week.) First week: $13,000. (Average, $9,000.)
IMPERIAL—Grand Opera.
"ONE MAN'S JOURNEY" (Radio)
LOEW'S—(3,115), 25c-35c-50c-65c-75c, 7 days. Vaudeville: Dave Apollon and His Surprises of 1933; Paul Nolan added. **Gross:** $12,500. (Average, $10,500.)
"LIFE STORY OF H.R.H. THE PRINCE OF WALES" (British)
"ORDERS IS ORDERS" (British)
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $11,000. (Average, $11,000.)
"BROADWAY THRU A KEYHOLE" (U. A.)
"AS THE DEVIL COMMANDS" (Col.)
PRINCESS — (2,272), 25c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $6,000.)

J. R. Neger Upped

INDIANAPOLIS, Nov. 15.—J. R. Neger has been advanced from salesman to assistant branch manager of the local Fox exchange.

State Nazism Puts Germany Out of Reels

(Continued from page 1)

the operations of the Hitlerite propaganda and censorship bureaus which make it virtually impossible to get any footage out of Germany which measures up to the American newsreels' standards of news.

"The Hitlerite Central Press Bureau won't pass much that is worth while from the American news standpoint and refuses permission to newsreel cameramen to shoot any of the good stuff, with the result that virtually all of the footage coming out of Germany today is not news, but propaganda," was the way one editor summed up the situation.

"U" Using no Footage

Allyn Butterfield, editor of Universal Newsreel, said that Universal has used no German footage since last June.

"While we get several thousand feet of film out of Germany weekly," he said, "the results of careful editing disclose that essentially all of it is propaganda, not news."

Jack Connolly, Pathe News editor, said that his reel had used three German shots in six months.

"Pathe has no different policy applying to news from Germany than it has for news from any other country. If it's news, we'll use it. What we haven't used, we didn't consider was news."

William P. Montague, assistant editor, Paramount News, said that he could recall only three shots emanating from Germany which had been included in that reel during recent months.

"The difficulty," he said, "is in getting anything out of Germany that isn't plainly propaganda. Germany's own restrictions are responsible. We used some footage on the burning of books by Nazi students; some shots of the most recent trip of the Graf Zeppelin and a Berlin interview with Maxim Litvinoff, while en route from Russia for his conferences with President Roosevelt. These we considered to be news, and the rest of the footage from Germany failed to measure up to the same standards of editorial judging."

No Movietone Clips

Fox Movietone and Hearst Metrotone have used nothing from Germany for the past three months.

One editor pointed out that the German news situation puts the reels "on a spot." He said:

"Jewish exhibitors and those of anti-Hitler sympathies refuse to run German footage if we include it and many refuse to accept a reel with anything pertaining to Hitlerite Germany in it. Others contend that Hitler is 'news' and demand more German footage. The newsreels find themselves in about the same situation as existed when Premier Mussolini first came into power in Italy and was internationally referred to as 'The Mad Dog of Europe.' No exclusion here of German news is proper. Witness the *New York Times*, which is anti-Hitler, yet prints many lines of German news daily."

LONDON, Nov. 15.—A virtual censorship of scenes of Nazi activities developed here with the dropping of Hitlerite Germany from Gaumont-British newsreels. The company controls 3,000 theatres and its newsreel is exhibited in other houses as well. The G-B newsreel recently eliminated an interview with David Lloyd George in which he supported Germany's withdrawal from the League of Nations.

Scheduled for Capitol

Films to follow "The Prizefighter and the Lady," current attraction, at the Capitol include "Christopher Bean," "Dancing Lady" and "Dinner at Eight."

Cleveland Back to One Indie 1st Run

(Continued from page 1)

home of Keith vaudeville until B. F. Keith built the Palace, now called the RKO Palace. When big time vaudeville moved up to the Palace the Hippodrome sank into a secondary classification, and in recent years has lost a lot of money. RKO lost the house last spring.

Warners plan a picture policy and will take over the house officially on Nov. 21.

Probe Fox Westco Today

HOLLYWOOD, Nov. 15.—Fox West Coast bankruptcy will be heard tomorrow before the Senatorial committee

Hutchinson to Make Trip to Fox Studio

HOLLYWOOD, Nov. 15. — W. J. Hutchinson, managing director for Fox in England, will arrive here in January for a two-week stay during which he will study production methods at Fox Movietone Studios.

Following his return, Roy Simonds, publicity manager for Fox in England, will leave for the local plant.

Ben Berk to Coast

Ben Berk has resigned as vice-president and general manager of Atlas Soundfilm Studios and will leave today for the coast to take charge of a new Hollywood office of Blue Seal Sound Device, Inc.

"Class production that will add prestige to Columbia's program. Tracy's work will earn critical raves. Miss Young's is no less excellent. Both do excellent jobs."
Daily Variety

THE MOST GLORIOUS LOVE STORY SINCE "7th HEAVEN"!

A Man's Castle

A FRANK BORZAGE Production
with
SPENCER TRACY—LORETTA YOUNG
Screen play by Jo Swerling
From the play by Lawrence Hazard

A COLUMBIA PICTURE

A Screen Guild Picture

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 117 NEW YORK, FRIDAY, NOVEMBER 17, 1933 TEN CENTS

E. E. Shauer Passes Away At His Home

Heart Attack Is Fatal; Paramount Founder

Emil E. Shauer, vice-president of Paramount International and one of the founders of Paramount Publix, died suddenly yesterday morning at his home. He was 67 years old and had never fully recovered from a paralysis attack which he suffered several years ago.

E. E. Shauer

Born in Bohemia in 1866, Shauer came to America at the age of two. His family settled in Chicago and he attended the public schools there. At an early age he became an errand boy for Mandel Brothers and before he reached 21 he had become the youngest lace curtain buyer in the country. This post necessitated frequent trips to Europe and he became extremely well acquainted with the Continent.

(*Continued on page* 10)

Warners Hold Talks With Theatre Heads

Exhibitor advice on forthcoming Warner product has been sought during the past week by Harry M., Jack and Albert Warner in a series of home office conferences. Among those called in for the talks were Ike Libson of Cincinnati, George Trendle of Detroit, Mike Shea of Buffalo and Ed Fay of Providence.

A. W. Smith and Gradwell Sears, sales executives, sat in on the conferences.

Jack Warner left for the coast yesterday.

Kalmine's Transfer Is Regarded as Set

PITTSBURGH, Nov. 16.—Transfer of Sol Hankins, Warner zone manager, from Milwaukee to this city is believed to indicate definitely that Harry Kalmine will go to Philadelphia to take William Goldman's place here. Hankins was formerly local division manager.

Independents Set New Ohio Organization

E. A. Schwartz Named as Head—No Code Action

COLUMBUS, Nov. 16.—Formation of the Independent M. P. Exhibitors' Ass'n of Ohio was agreed upon here today at a gathering in the Deshler-Wallick Hotel. Only independents will be admitted, it was decided, and the association will not be affiliated with any other organization.

Officers were elected unanimously as follows: President, Ernest A. Schwarts, Cleveland; vice-president, Frank W. Huss, Cincinnati; secretary, George W. Erdmann, Cleveland; treasurer, Robert Menches, Akron; directors, Philip Semelroth, Dayton; Harry Abram, Lancaster; Charles

(*Continued on page* 4)

Harris and Marxes Discussing Musical

HOLLYWOOD, Nov. 16.—Following his arrival from the East, Sam H. Harris went into conference with the Four Marx Brothers on a plan for a musical comedy which Harris will produce on Broadway with the Marxes starring.

The quintet will leave this week for Palm Springs to work out the details. If the deal becomes definite, Harris will approach Charles MacArthur and Ben Hecht to collaborate on the story, with possibility of releasing through U. A.

Hertz Will Resume Para. Story Today

John Hertz, former chairman of the Paramount Publix finance committee, will resume his testimony begun last week at an adjourned first meeting of Paramount Publix creditors before Referee Henry K. Davis here today. Counsel for Paramount Publix trustees in bankruptcy first will conclude their examination of Hertz, whereupon he will be turned over to Saul E. Rogers and Samuel Zirn, counsel for Paramount bondholders' groups, for questioning.

Censor Cooperation In Penn. Hoped For

PHILADELPHIA, Nov. 16.—Exhibitors and exchange officials here are hopeful for a more cooperative attitude on the part of censor officials as

(*Continued on page* 4)

Guard Baby Le Roy

Hollywood, Nov. 16.—In view of the recent kidnappings on the Pacific Coast, Paramount has added another bodyguard to the staff of Baby Le Roy, who has been doing all right with one up to the present time.

Studio figured on the addition when the unit filming "Miss Fane's Baby Is Stolen" started making daily location trips into the Hollywood Hills.

Stock Mark-up of $38,285,000 Told at Probe

WASHINGTON, Nov. 16.—A write-up of $38,285,000 in theatre equipment corporation stocks controlled by Harley Clarke during negotiations which resulted in their acquisition by the General Theatres Equipment Co. was today disclosed by the Senate Banking and Currency Committee investigating banking practices.

The alleged "watering" occurred in the stocks of International Projector Corp., National Theatre Supply Corp. and four lamp companies, which were taken over by General Theatres at a cost of $43,040,000, although the book value of their stock aggregated only $4,756,000.

Perplexed by the testimony of Clarke, Ferdinand Pecora, commit-

(*Continued on page* 4)

Hearing on Loew's Stock Sale Dec. 7

Sale of 660,900 shares of Loew's, Inc., owned by Film Securities Corp., will not take place on Nov. 27 as proposed by Chemical Bank & Trust Co. in a petition to the U. S. District Court as a result of the postponement yesterday of a hearing on the petition until Dec. 7 by Federal Judge John C. Knox.

Sale of the stock is proposed in order to satisfy a $20,000,000 two-year

(*Continued on page* 4)

Senators Adjourn Fox West Coast Quiz

LOS ANGELES, Nov. 16.—The Senatorial committee investigating the Fox West Coast bankruptcy today was bewildered over what it considered the fantastic and complicated corporate

(*Continued on page* 10)

All But Three Of 37 MPTOA Ideas in Code

Ed Kuykendall Analyzes Draft Drawn by NRA

All but three of 37 code proposals made by the executive committee of M.P.T.O.A. in an original code draft for exhibition drawn up by the organization at Chicago last July are contained in the NRA code as it now stands, according to an analysis and comparison of the two codes made yesterday by Ed Kuykendall, M. P. T.O.A. president.

Kuykendall's analysis reveals that 25 of the original M.P.T.O.A. proposals are contained in full in the present NRA code; seven others are partially, though not fully, covered in the government's draft and the remaining five are not included. Of the latter five proposals, however, Kuykendall's analysis points out that "two of them were suggested by distributors who later withdrew them, leaving three of our own proposals that are not included in the NRA code."

Kuykendall identifies as the two "principal" proposals which his organization "was not able to secure" as those for the control of double features by local exhibitor cooperation and for the banning of score charges. One of the most important obtained,

(*Continued on page* 4)

No Need Fear Code, Says Kuykendall

Contending that the code will bring about greater understanding among those in the industry, Ed Kuykendall, president of the M.P.T.O.A., yesterday told the A.M.P.A. that no one has anything to fear from the code if he is honest and fair in his dealings. He added that when the code is signed it will benefit showmen who are real showmen.

Kuykendall related the work of his organization in the drafting of the

(*Continued on page* 4)

Deputy to Press For Code Confab

WASHINGTON, Nov. 16.—Consideration of the film code lagged today, with General Hugh S. Johnson's attention centered on other important problems piled up during his absence.

(*Continued on page* 4)

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Col. Closes for "Lives"

After handling "Damaged Lives" in England for a short period, Columbia has closed with Weldon Pictures to distribute the picture in Mexico, Central and South America. The deal was closed by J. J. Allen, foreign sales manager of Weldon, and Joseph Seidelman, foreign distribution head for Columbia.

Arthur Edeson on Coast

HOLLYWOOD, Nov. 16.—Arthur Edeson has just returned from New York, where he filmed Lillian Gish in "The Great Adventure" and is now aligned with Edward Small doing the camera-work on "Joe Palooka."

Frudenfeld Here

Arthur Frudenfeld, former city manager for RKO in Detroit, is in New York. Under the pool in that city between RKO and Fox, with David Idzal as city manager, Frudenfeld will be assigned elsewhere.

Snow Hits Cleveland

CLEVELAND, Nov. 16.—A heavy snowstorm has hit the town, making travel difficult and theatre attendance something local showmen are worried over.

Ken Maynard Ill

HOLLYWOOD, Nov. 16.—Ken Maynard is laid up with the flu and shooting on "Wheels of Destiny" has been stopped as a result.

Hirliman Returning Soon

George Hirliman, who plans to produce on his own in the east, returns from the coast in three weeks to start work here.

Sol Lesser in Paris

PARIS, Nov. 16.—Sol Lesser arrived here today from the Hague. While he was in London, Lesser was entertained by Lord Beaverbrook.

Insiders' Outlook

EMIL E. SHAUER passed out of the realm of worldly troubles yesterday morning.

Always courteous, constantly the gentleman, Shauer was one of the industry's gentler members, a friendly contact with him over a period of fifteen years had demonstrated.

We remember an incident that goes back many months. He had been ill, away from his desk at Paramount and confined to his home, worried over health and business. Then came a day when his doctors permitted him some slight activity at the office and an occasional visit to the noon-day haunts where film men gather. It was on such a day when he walked into the Motion Picture Club and attempted to make his way across the restaurant only to find himself interrupted on all sides by friendly handshakes and genuine solicitation for his health.

He was obviously so pleased to learn he had not been forgotten. Slight enough, you may think. As a matter of fact, it was. But Shauer was touched and made no effort to hide it. That insight into the man's humility had lodged itself in this memory since that time.

▼

"Nate" Nathanson is reported spreading his wings over New England. They would throw him into direct competition with Paramount, whose big Canadian string he is now running as prexy. There couldn't be any connection between the Down East move and "Nate's" well known ambition to control Famous Players Canadian complete, could there? It's yours to dope out from this point on. . . . Reports of a radical shift in newsreel making apparently are the bunk. . . .

▼

Harold B. Franklin is about to move into his new office on the 54th floor at 30 Rockefeller Plaza. On the 55th is John D. Rockefeller, Jr. On the 53rd, David Sarnoff. If it's financing he wants to know about, Harold can look up. If it's wireless rates, he can look down. . . . The Music Hall has rejected and paid for another major line picture which the administration there refuses to play. . . .

▼

Shocking note: The $181 take which a certain picture, made as a negative which certainly indicated its producer was gunning for "A" time, grossed in one week in a certain mid-western theatre of 2,000 seats and more. . . . Arthur Mayer, impresario of the Rialto, who always has a picture problem on his hands, is in favor of long runs, like "I'm No Angel's" four weeks at the Paramount, for instance. Says it congests subsequent releases and makes it sweeter for him. . . .

▼

Radio has been considering plans for another Amos 'n' Andy feature, but no deal has been struck—as yet. If it happens, production probably will be centered in the old Biograph plant in the Bronx. This is the studio Herb Yates and Consolidated now control. . . . Historical note: It was Dave Selznick, who picked

(Continued on page 10)

Columbia Gains One and Half

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23¾	22½	23¼	+1½	200
Consolidated Film Industries	9⅞	9⅞	9⅞	.....	300
Consolidated Film Industries, pfd	38	36½	37⅜	— ⅛	200
Eastman Kodak	73	70	73	+4	1,400
Fox Film "A"	14⅜	14¼	14⅜	+ ⅞	300
Loew's, Inc.	31	29	31	+2⅜	2,000
Loew's, Inc., pfd	66	66	66	—1	100
Paramount Publix	1⅞	1½	1⅞	+ ¼	900
Pathe Exchange	1¾	1⅝	1⅝	.....	800
Pathe Exchange "A"	9¼	9	9⅛	— ⅛	700
RKO	2½	2⅜	2½	+ ⅛	200
Warner Bros.	6½	6⅛	6½	+ ⅜	6,700

Trans Lux Only Curb Issue Active

	High	Low	Close	Net Change	Sales
Trans Lux	2	2	2	.....	100

Para. F. L. Bonds Off One and Half

	High	Low	Close	Net Change	Sales
Keith B. F. 6s '46	45	45	45	— ⅜	16
Loew's 6s '41, ww deb rights	80⅛	79¾	79¾	4	4
Paramount Broadway 5½s '51	29	29	29	.....	5
Paramount F. L. 6s '47	24¼	24	24	—1½	6
Warner Bros. 6s '39, wd	38½	36	38½	+1⅞	20

Purely Personal

HARVEY DAY, Terrytoons sales manager, left yesterday for a tour of Fox exchanges at Chicago, Milwaukee, Minneapolis, St. Louis, Detroit, Cleveland and Buffalo.

ERNST LUBITSCH is still looking around for a play or story as his next Paramount effort. Plans to leave for Hollywood Nov. 23.

W. RAY JOHNSTON, RUSSELL BELL, ED FINNEY and others leave tonight for Syracuse to attend the Syracuse-Colgate game there tomorrow.

MIRIAM HOPKINS, on her way to New York from the coast, will appear on Broadway in OWEN DAVIS' "Jezebel" for GUTHRIE MCCLINTIC.

SAM HARRIS, stage producer, will spend most of the winter on the coast. Combination business and vacation trip.

WARREN WILLIAM will broadcast scenes from "The Match King" over the NBC network from WEAF next Wednesday night.

LOU GOLDBERG leaves for Washington today. He was slated to leave yesterday, but changed his mind.

CARY GRANT, RANDOLPH SCOTT and DAVID MANNERS are sailing today on board the *Paris* for England.

STANLEY SHUFORD has put away his golf clubs for the winter. He's now taking up ice skating.

BERT PERKINS has shuffled his way back from Buffalo and a Warner campaign.

MRS. HARRY BUXBAUM is out of the Fifth Ave. Hospital after a minor operation.

CHARLES EINFELD is up to his ears in campaigns on "Disraeli."

Louis Cohen to Coast

Louis Cohen, realtor, left for Beverly Hills last night to spend the Thanksgiving and Christmas holidays with his family. This is his first vacation in several years. His brother, Harry, is with him. They return after the first of the year.

J. E. Brady Bankrupt

Jasper Ewing Brady, some years ago in charge of the M-G-M story department, has filed a voluntary petition in bankruptcy in the U. S. District Court. He lists liabilities at $7,700.

Levy-I.T.O.A. Meet Off

Jules Levy, general sales manager of Radio, didn't meet with the I.T.O.A. representatives yesterday. He was out of town and returns today. The session was to have been held to discuss preferred playing time and percentage demands.

Elliott, Krouse Expected

William C. Elliott, president of the I.A.T.S.E., and Louis Krouse, his assistant, are expected back from Washington today.

NEWS OF WEEK IN PHOTO-REVIEW

GOING OUT for speedy follow-up on his 'Footlight' success, James Cagney's 'Lady Killer' is set for December 9th release.*

NEW NAMES for mounting roster of Warner players are Fifi D'Orsay, added to cast of 'Wonder Bar,'° and Joel McCrea, signed for lead in Stanwyck's 'Gambling Lady'.*

UNIQUE DISPLAY of firearms forms one of dozen flash stunts in big N. Y. Strand send-off for 'From Headquarters,' novel blackmail thriller.*

REUNION IN BURBANK. Eddie Robinson and W. R. Burnett, star and author of 'Little Caesar' join hands again in 'Dark Hazard,' book-of-month sensation now in Warner cutting room.°

PUZZLING CASE faces Warren William in doctor role in 'Bedside,' coming soon from Warners with Jean Muir, Kathryn Sergava in cast.

FIRST GOAL for 'College Coach' registered in initial date at Strand, N. Y. 'Action-packed, exciting, thoroughly entertaining' agree critics Boehnel, Johaneson, Sherman.*

CAMERAS TURN on 'As The Earth Turns' as coast arrival of Emily Lowry, stage find, completes cast for latest of Warners' six best-selling giants.

A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

Independents Set New Ohio Organization

(Continued from page 1)

Justus and Theodore Perkas, Columbus; Herbert Lind, Zanesville; Paul Ellis, Warren; H. L. Walker, Salem; John Schwartz, Painesville; Menches, Akron; Henry Greenberger, M. B. Horwitz and John Kalafat, Cleveland; John Perkas, Elyria; P. O. Frederick, Norwalk; Leo Dwyer, Celina; Jack O Connell and Howard Feigley, Toledo; Frank Huss and Henry Levy, Cincinnati and Nat Charnas, Bucyrus.

A resolution opposing the signing of the code because it is incomplete was adopted, and the meeting went on record as endorsing the action of the independents' meeting held recently in Chicago.

No plans were formulated for fighting the Ohio 10 per cent tax.

Approximately 35 theatres were represented. No date was set for the next meeting.

Max Stearn suggested that the new organization consolidate with the M. P. T. O. of Ohio, but this was turned down. Earlier in the day Horwitz had charged that the M. P. T. O. was controlled by producer-owned circuits, but Stearn said he did not believe this. He said P. J. Wood's failure to defeat the tax bill was due to the fact that independents had not given him financial support.

Horwitz said Ed Kuykendall, M. P. T. O. A. head, would be here to induce the Ohio M. P. T. O. to sign the code at its Dec. 5 meeting.

More Are Called in Ohio Lobbying Probe

COLUMBUS, Nov. 16.—Widening of the Grand Jury investigation into legislative lobbying against tax bills has resulted in the summoning of Pete Wood, business manager of the M. P. T. O. of Ohio, G. W. Erdmann, secretary of the Cleveland Exhibitors' Ass'n, and Henry Greenberger, Meyer Fine, John Kalafat, Paul Guodanovic, Ernest Schwartz and M. B. Horwitz. They will appear on Friday.

Erdmann, Greenberger and Schwartz declared that the Cleveland Exhibitors' Ass'n could not have spent $10,000 in lobbying against the 10 per cent stage tax, as has been charged. In fact, they insisted the association had never spent anything. Wood went further and said his organization could not have spent anything, because he had not even been able to collect dues.

Skouras After the Fox

ST. LOUIS, Nov. 16.—Spyros Skouras' visit here recently is linked with reports Skouras Brothers are negotiating to take over the Fox.

Tax Refund to Gilbert

WASHINGTON, Nov. 16.—Taxes totaling $49,413.79 have been credited to John Gilbert on his 1931 return.

Brown in Hollywood

HOLLYWOOD, Nov. 16. — George Brown's visit here is a combination business trip and vacation.

All But Three Of 37 MPTOA Ideas in Code

(Continued from page 1)

from an M.P.T.O.A. viewpoint, was the proposal for setting up local grievance boards to hear industry disputes. This, involving the principle of "home rule for the local exhibitor," is one of the "fundamental principles advocated by M.P.T.O.A. over a period of years," Kuykendall says.

He concludes that "90 per cent of the proposals for which M.P.T.O.A. put up a determined fight are included in the NRA code."

Kuykendall Declines Samuelson Invitation

Ed Kuykendall, M. P. T. O. A. president, yesterday declined the invitation of Sidney Samuelson, president of Allied of New Jersey, to address a meeting of that organization and "settle code differences."

Ascribing the imminent meetings of M. P. T. O. A. units throughout the country as his reason for being unable to accept Samuelson's invitation Kuykendall added that "neither you nor I nor any other two discussing this subject before your unit could possibly settle it."

Deputy to Press For Code Confab

(Continued from page 1)

At the earliest opportunity, Deputy Administrator Sol A. Rosenblatt will seek a conference on the code, which now is practically sure to have to follow the President to Warm Springs, Ga. President Roosevelt plans to leave Washington tomorrow evening, not to return until after Thanksgiving Day.

Reports from the west coast that Rosenblatt would resign as a result of the delay in disposing of the code were denied by the deputy administrator today, who said he had no intention of leaving the Recovery Administration in the near future.

Taking advantage of a lessening of the rush on his office Rosenblatt today availed himself of the opportunity to be admitted to practice before the District of Columbia Supreme Court.

Clark, Wobber Returning

John D. Clark, general sales manager of Fox; Herman Wobber, in charge of the Kent Drive, and Roger Ferri, editor of the *Dynamo*, sales organ, return Monday from a tour of western exchanges.

Para. Gets Hornblow

HOLLYWOOD, Nov. 16.—His resignation from Samuel Goldwyn having become effective today, Arthur Hornblow has signed as an associate producer for Paramount.

Elect Treasurer Soon

Successor to Jay Emanuel as treasurer of the M. P. T. O. A., a post which he resigned a month ago, will be named shortly.

No Need Fear Code, Says Kuykendall

(Continued from page 1)

code, how M.P.T.O.A. executives gathered in New York, Chicago and then Washington in an effort to get a suitable draft drawn. He also stated that code conferences in the capital were a veritable madhouse, with various groups fighting against each other.

"When the code is signed," he said, "it will diverge little from the Chicago draft of the M.P.T.O.A."

Declaring that his association is not fighting for anyone's selfish interests, Kuykendall stated that the M.P.T.O.A. is promoting the general welfare of the industry in code talks. He stated that the industry is still one of personalities with individual theatre managers on their own instead of acting on orders from headquarters.

He also said: "I don't know of any business which carries so many dumbbells as this industry." He advocated the elimination of meddlesome interests in the business.

The M.P.T.O.A. head leaves for the Middle West today on the first hop of a swing through that territory and the south. He will attend the convention of the M.P.T.O. of Wisconsin in Milwaukee on Tuesday and then goes to St. Louis, Oklahoma City, Dallas and Charlotte, where exhibitor conventions are on tap. All trips have to do with the code.

Censor Cooperation In Penn. Hoped For

(Continued from page 1)

a result of the recent visit of Samuel Schwartz, chairman of the Pennsylvania board, to the Coast studios.

Schwartz is understood to have outlined the attitude of the board to studio officials and to have suggested to them that if they will apply censorship restrictions to story preparation, the board will cooperate on its end.

Hearing on Loew's Stock Sale Dec. 7

(Continued from page 1)

gold bond issue of Film Securities which has been in default since April 1 of this year. The stock is posted as collateral for the bond issue, most of which is held by Chase National Bank. A petition of Film Securities' trustees to wind up the affairs of the company will also be heard Dec. 7.

Lynn Farnol Here

Lynn Farnol is in town to lay out a campaign for the opening of "Roman Scandals" at the Rivoli. He was on the coast three months. No date has been set for the New York opening, but the film is set on the coast for Nov. 24 at Grauman's.

Penn MPTO to Dance

PHILADELPHIA, Nov. 16.—Tentative dates for a dinner dance to be given by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware are Nov. 26 or Dec. 3.

Tashman to Chicago

Lilyan Tashman left for Chicago yesterday for personal appearances at the Palace. From there she goes to Hollywood and then back to New York.

Stock Mark-up of $38,285,000 Told at Probe

(Continued from page 1)

tee counsel, announced that it may be necessary to bring William Fox before the committee to explain his participation in the Fox-Grandeur Corp., organized to take over the assets of the Mitchell Camera Co. held by Clarke, and which also was sold to General Theatres, because of the diversity of opinion over the details of the transaction, which revealed a payment of $2,000,000 to Fox for a half interest in Grandeur.

Conflicting statements by Clarke drew warning from the committee that falsehoods would constitute "contempt" or "perjury," when, after having testified last week that, as president of the projector company he had no interest in the Nichols Power Co. which it was buying, he testified that he had acquired all of the stock of the Power company for $150 a share and got $690,000 from International Projector, which, Pecora pointed out, was at the rate of $215 a share, a profit to Clarke of more than $200,000.

It was also testified that Clarke had purchased the stock of the Mitchell Camera Co. for $1,475,000 as an intermediary for General Theatres. Grandeur was organized by him to take over the Mitchell assets, valued at $331,960. He told the committee he sold the assets of Mitchell for what they had cost him, but the records disclosed that he was paid $3,100,000 for the stock.

"Women" Book Unusual

Radio's art department, headed by Barrett McCormick, has turned out one of the most unusual press books seen in some time for "Little Women." The outside part of the threefold booklet is done in offset with lavender the predominating background color. A full length figure of Katharine Hepburn is on the first cover, with posters, also done in offset, on the two back covers.

When opened the booklet has three smaller books, the outside covers of which are done in old-fashioned wall paper effects. One is for publicity, another for showmanship and the third for advertising. The inside of each of these is done in black and white, with the exception of the showmanship book which is done in three colors and has an assortment of novelty accessories. The art work was done by David Strumpf.

See Record for "Women"

A $15,000 first-day's gross for Radio's "Little Women," with Katharine Hepburn, was predicted for the Music Hall yesterday by RKO on the basis of receipts up to early evening. At mid-day, the take was $4 ahead of that for "Cavalcade" for the same portion of its opening day. "Cavalcade" holds the Music Hall record with a week's gross of $107,600.

Music Hall admissions were increased five cents yesterday. Handkerchiefs were on display all day and night and colds weren't responsible for them.

once again folks

FOX MANPOWER SCORES A HIT

WITH THIS FLAMING SUCCESSOR TO "CALL HER SAVAGE"

Clara Bow in the supreme dramatic performance of her amazing career. Thrills that halt your pulse beat. Hearty, robust laughter. Above all... romance... revealing the deep emotional currents of an impassioned woman's heart. Prepare for one of your greatest profit runs of the year.

Clara BOW *in* HOOPLA

with

PRESTON FOSTER
RICHARD CROMWELL
Herbert Mundin • James Gleason • Minna Gombell

From the play "The Barker" by JOHN KENYON NICHOLSON. Stage play produced by CHARLES L. WAGNER.

Al Rockett Production

Directed by FRANK LLOYD

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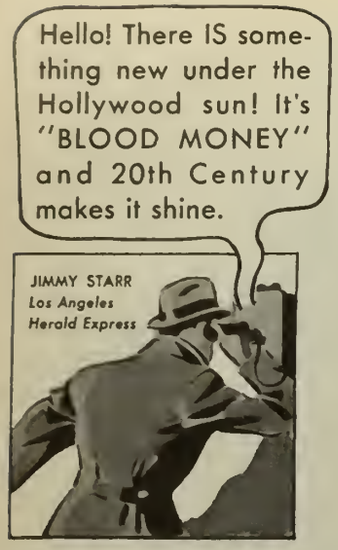
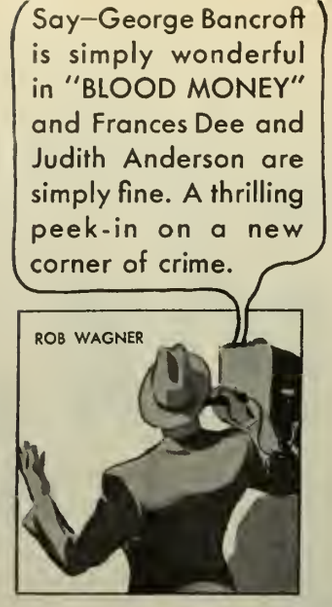




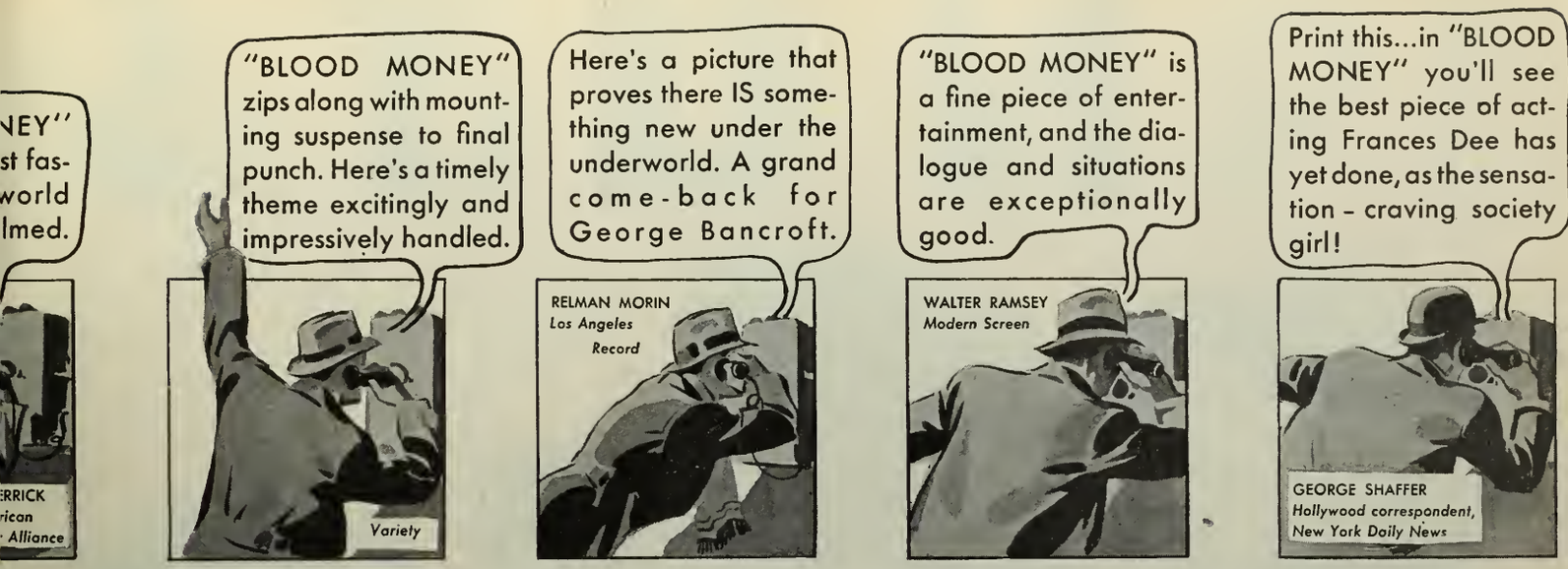
They're Burnin

At a preview held i
raved over the sensation

GEORGE B

"BLOOD

and the sensational come-o
CHANDLER, JUDITH ANDE
as JOSEPH M. SCHENC
DARRYL F. ZANUC



up the wires!

Hollywood 300 critics
omeback of...

ANCROFT *in*
MONEY"

f FRANCES DEE, CHICK
ON and BLOSSOM SEELEY
resents the third big
mash for . . 20TH CENTURY PICTURES

Released Thru **UNITED ARTISTS**

NUTS

NUTS!
GROUCHO is
HARPO looks
CHICO sells
and the three of them
drive ZEPPO
NUTS!

A boy and a girl were dancing!

Fore!

to SOUP!

LAUGHING SOUP ... Concocted by the greatest collection of gag men in motion-picture history ... Brewed by the hand of Leo McCarey, who directed "The Kid From Spain." Decorated by any number of maidens out of uniform. And dished up by the FOUR MARXES.

Off to the races!

The old shell game!

THE 4 MARX BROS. in "DUCK SOUP"

a Paramount Picture, directed by Leo McCarey

Paramount Pictures

if it's a PARAMOUNT PICTURE it's the best show in town!

E. E. Shauer Passes Away At His Home

(Continued from page 1)

In the days when Shauer made the crossing between New York and London at least once every year, he was a familiar figure on the *Aquitania* on which he always sailed both ways.

In 1905, Shauer came to New York where he associated himself with Adolph Zukor, his brother-in-law, and Marcus Loew in the penny arcade business. When Famous Players Co. was organized in 1913, Zukor brought Shauer into the newly-formed organization. He was named assistant treasurer of the pioneer organization.

Some years later, when Paramount Famous Lasky was created, Shauer was put in complete charge of the company's foreign business. Under his leadership, this division of the company became one of the most important departments in the corporation. With the creation of Paramount International in 1932, Shauer was named vice-president.

He was at his desk in the Paramount Building as usual Wednesday and apparently in the best of health and spirits. A sudden heart attack at 10 o'clock yesterday morning was the cause of his death. He is survived by his widow and a son, Melville Shauer, assistant to Albert A. Kaufman at Paramount's Hollywood studio. Mrs. Adolph Zukor is Shauer's sister.

Funeral services will be held Sunday afternoon at 2 o'clock from the Universal Funeral Chapel. Burial will be in Woodlawn Cemetery.

Deep regret was voiced late yesterday by Joseph H. Seidelman, at present foreign sales manager of Columbia but Shauer's right hand at Paramount for about 10 years. It was Seidelman who was in charge of the Paramount overseas organization during the many months of Shauer's illness.

AMPA Men Raise $47 Toward Relief Fund

Exactly $47 was contributed yesterday by the A. M. P. A. for the *Film Daily* Relief Fund. Guests included Ed Kuykendall, president of the M. P. T. O. A., and Lilyan Tashman.

After the meeting John Flinn, president, stated that when the code is signed all advertising managers will be called into the Hays office for a discusson on administering the advertising clause.

Widen Ohio Lobby Probe

COLUMBUS, Nov. 16.—Donald J. Hoskins, county prosecutor, is understood to be widening the scope of his investigations of alleged lobbying activities during the last legislative session to include producers and operators.

Starts Portable Circuit

DENVER, Nov. 16.—Ray Raeburn has organized a portable circuit in South Dakota, and will make seven towns, one day a week. The towns are New Underwood, Vale, Wall, Keystone, Portola, Neisell and Wasta.

Senators Adjourn Fox West Coast Quiz

(Continued from page 1)

structure set up to effect the voluntary bankruptcy of the organization. Col. W. H. Neblett, counsel for the committee, and Senators William McAdoo of California and Henry Ashhurst of Arizona, calling the whole matter a "headache," adjourned the hearing by soliciting advice from Trustee W. H. Moore, Jr., on future legislation for handling receiverships and bankruptcies for future guidance of the Senators present.

Charles Skouras divulged receiving $52,000 a year drawing account against profits for operating the theatres, adding: "If the theatres don't show a profit I will owe them money." He also testified the circuit had 450 houses the day before Feb. 27, when the bankruptcy was filed. He said the company now operates 125 in California, Arizona and Colorado. Neblett said the best houses held out for a new company while others challenged the legality of the bankruptcy action.

Argentine's Credit Plans Are Set Back

An extension of time from tomorrow until Nov. 25 for accepting the Argentine government's plan for releasing blocked credits in that country has been made by the Argentine Trade Commission here as a result of inability to reach all of the American companies who represent an estimated total of $35,000,000 of blocked credit in Argentina. A number of those having credits in the South American country are large film distributors.

The Argentine government's plan offers American concerns with credits in that country the choice of lending their blocked funds to the Argentine government for 15 years at two per cent interest or for 20 years at four per cent.

Finds British Wired Houses Up to 4,156

An increase in the number of wired houses in the British Isles is reported by T. P. Drew, Erpi sales chief abroad. An analysis made by him shows that 4,156 of the 4,414 theatres in Great Britain are equipped for talking pictures. Of these 1,666 have Western Electric.

Plan "Earth" for China

HOLLYWOOD, Nov. 16.—Believing that "Good Earth" will have a strong appeal in China, plans are under way to make the Chinese version of this picture with the American version. Anna May Wong looms as a possible reminine lead. If she can not be obtained, the actress' sister will be considered.

Soviet Film at School

First of a series of film showings at the New School of Social Research will be held tomorrow night, with Joseph Freeman presenting "Spring," a Soviet film.

Palfreyman West

David Palfreyman, theatre contact at the Hays association, leaves for Chicago this afternoon and the M. P. T. O. of Wisconsin convention in Milwaukee next Tuesday.

Story Lack Forces Programmers: Smith

Pictures of program calibre will always be with the exhibitor because there will always be a shortage of good story material.

This was the dictum pronounced yesterday by Howard A. Smith, story editor for 20th Century Pictures, who is here from Hollywood, he said, to do what he can to prevent the Joseph Schenck-Darryl Zanuck lineup from harboring any of the so-called program pictures which result from indifferent story material. Smith took pains to point out that he was not here merely on a "story hunt." The material he's after has to be good, he said, because it's all intended for productions which will be classed as "specials."

Smith said that story departments would like to "open the doors" to unknown writers, but have been taught by unhappy experience that it doesn't pay.

"We once rejected a scenario by an unknown authoress," he related by way of explanation, "which employed a dog and a lake in its story. Later, when we produced a picture which happened to have a dog and a river in it, the disappointed woman sued us for plagiarism."

Story cycles are unavoidable, Smith believes, because popular themes have a way of establishing themselves with the public which is profitable to both producer and exhibitor, even though the life of their popularity is a pretty vague thing to determine and frequently catches napping both the producer who follows a cycle and the exhibitor caught up in it. His solution for this is to ride with the producer identified with the starting of cycles and "let the devil take the hindmost."

J. V. Bryson Starts British Cooperative

LONDON, Nov. 16.—Under the name of the Empire Co-operative Friendly Society, J. V. Bryson, former managing director of Universal here, is sponsoring a scheme to produce British pictures and buy film accessories on a co-operative basis. The organization intends to produce sufficient pictures to meet the quota requirements of independent exhibitors. The idea is somewhat akin to the franchise system devised in America by First National. Plans call for 12 films a year. Costs will run from $50,000 to $100,000 per film.

Dixon Aids Buffalo Dance

BUFFALO, Nov. 16.—Harry T. Dixon manager of the RKO Radio exchange, is chairman of a committee representing all Buffalo film distributors and the downtown exhibitors in promoting "A Night in Hollywood," dance and entertainment for the Buffalo Eagles, Nov. 18. Proceeds will provide Christmas baskets for Buffalo widows and orphans.

Universal to Hold Ball

The seventh annual ball of the Universal Club will be held Saturday, Nov. 25, in the Waldorf-Astoria. The setting will be that of a circus midway. Charles B. Paine is president of the club, Herman Stern is chairman of the committee on arrangements, and Helen E. Hughes will have charge of the tickets.

Insiders' Outlook

(Continued from page 2)

"Little Women" for production in the days of his RKO regime, of course. Also tentatively picked Katharine Hepburn for the role of Jo. . . .

▼

What's this about Herschel Stuart and the general managership of all Paramount Publix theatres? . . . Maybe Terry Turner won't return to RKO after all. Wonder what's happened? . . . Iva, the Eskimo gal in the picture of that name, couldn't be Anna May Wong's sister, could she? . . .

KANN

Thacher Is Master For Claims on RKO

Thomas D. Thacher, former solicitor general of the U. S. and former Federal District Court judge here, was appointed special master to hear contested claims filed against RKO by creditors, in an order signed by U. S. District Court Judge William Bondy yesterday.

Thacher, while a District Court judge in New York in 1929 rendered the decision which ended arbitration as practiced in this industry. He also headed the Federal investigation of New York bankruptcy practices of several years ago. In his capacity as special master he will hear all creditors' claims which have been objected to by Irving Trust Co., receiver for RKO. These aggregate more than $20,000,000, exclusive of the claims of Radio City against RKO for defaulted rent on the two theatres there and the company's office space in the RKO building and, in addition, a claim based on breach of an agreement to pay the cost of the two theatres in the event of a rent default on them. The amount of this claim has not yet been determined.

"Henry VIII" Going Big in Pittsburgh

PITTSBURGH, Nov. 16.—"The Private Life of Henry VIII" is proving to be the Fulton's best draw in more than a year and will hold over for a second week, with the possibility of a third. On Saturday, the third day of the run, it did $2,300 at a top of 35 cents, smashing all attendance records for a day.

It will be the first time a picture has been held over at the Fulton since "Cavalcade" last April.

Only four other pictures have been held over in the more than three years that the Fulton has been in existence. They were "Feet First," two weeks; "Delicious," three weeks; "Bad Girl," three weeks, and "The Big Drive," two weeks.

CLEVELAND, Nov. 16.—"The Private Life of Henry VIII" is being held over a third week at the Allen, despite a heavy snowstorm which blanketed the town earlier in the week.

LITTLE WOMEN
FULFILLS ITS PROMISE

BIGGEST OPENING DAY IN SHOW HISTORY!

$14,000

AT WEEKDAY PRICES

★

BEFORE 3 P. M. $500
OVER THE HOUSE RECORD

★

Katharine

HEPBURN

in Louisa M. Alcott's

A new sensation of sheer loveliness glorifies the screen

LITTLE WOMEN

Directed by George Cukor
MERIAN C. COOPER,
Executive Producer
Kenneth Macgowan,
Associate Producer

With JOAN BENNETT, PAUL LUKAS, FRANCES DEE, JEAN PARKER, EDNA MAY OLIVER, Douglass Montgomery • Henry Stephenson

NRA MEMBER U.S. WE DO OUR PART
RKO Radio PICTURES

THE REVIEWS ARE GREAT!

Use them in newspaper advertising!

ANOTHER CLARK GABLE! A NEW VALENTINO!

This picture will win every award. It is far and away the best of the year. Read the critics in towns where it opened last week!

PITTSBURGH

"The whole picture is simply splendid. It starts right, it ends right. And every moment between is filled with suspense and just about the best natural acting one is likely to see this season. Yes, even from Max Baer. The picture is one of the best productions M-G-M has turned out. It clicks from the start. It tells a believable story. It is superbly mounted. It bristles with fine talent."

—FLORENCE FISHER PARRY, *Pittsburgh Press*

LOUISVILLE

"One of the best produced film stories of the ring to come out of Hollywood. The love interest is skillfully handled and the climactic prizefight is a nifty, packed with excitement and real ring thrills."

—DAN THOMPSON, *Louisville Times*

NEW HAVEN

"The most exciting film of today."

—*New Haven Journal Courier*

ATLANTA

"Max Baer has a simply magnificent presence; he is handsome in a very large way, with the fondest pair of shoulders ever displayed on stage or screen. The picture is amazingly worth seeing."

— O. B. KEELER, *Atlanta Journal*

WASHINGTON

"I have no hesitation in listing it as one of 1933's most entertaining pictures."

—ANDREW R. KELLEY, *Washington Times*

COLUMBUS

"Max Baer looks good. He prances before the lens in the leading male role, exuding personality and laughs. He fairly oozes with the 'what-it-takes' to get the feminine audiences."—TOD RAPER, *Columbus Dispatch*

NEW YORK

"★★★½...Max Baer is the most dazzling figure...in his first movie picture he flashes across the screen with the force of a comet...has good looks, a fine physique... he has a clear, low-pitched voice that is pleasing...particularly to the feminine ear...he has poise and demonstrates his ability to act, sing and dance. He has everything that a young man needs to become a success in the movies...I endorse it as a swell moving picture..."

—KATE CAMERON, *News*

"...here is a movie natural—one of the most thoroughly entertaining films that have come along in months... I don't remember when I've had as good a time...acting that is unbeatable..."

—WILLIAM BOEHNEL, *World-Telegram*

YOU'LL BE GLAD WE TOLD YOU about Metro-*Goldwyn*-Mayer's Surprise Hit—**"THE PRIZEFIGHTER AND THE LADY"**

You don't need a mat for this ad. Set it up locally! It gets results!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 118 NEW YORK, SATURDAY, NOVEMBER 18, 1933 TEN CENTS

Secret Report On Producers Stirs Talent

Made Some Time Ago for Academy Governors

HOLLYWOOD, Nov. 17.—A secret report of Academy committee on the operation of the producers' arbitration agreement, or anti-raiding agreement, has become the center of a new controversy.

B. P. Schulberg, a member of the committee, has written a public letter explaining that Joseph I. Schnitzer, another member of the committee, had consulted him about filing the report, which is said to be denunciatory of the producers' agreement. Schulberg says he went to Europe almost immediately thereafter, having told Schnitzer he should file the report with the board of governors of the Academy which appointed the committee. He says he has heard nothing of it since.

Howard Green, vice-president of the Academy, says the report was for the information of the governors and

(*Continued on page 4*)

Casey Files Denial Of Coercion Charge

WASHINGTON, Nov. 17.—Denial of charges that producers were forcing sound men to join unions not of their own choosing was filed today with Senator Robert Wagner, chairman of the National Labor Board, by Pat Casey. The latter presented documentary evidence to support his claim, which Senator Wagner promised would be studied before any action is taken.

Reports to Washington a week ago declared that the I. A. T. S. E. was

(*Continued on page 4*)

Columbia to Hurry Its Russia Picture

Columbia executives yesterday decided to start production immediately on "Red Square," formerly "Nikolai Kourbov," by Ilya Ehrenbourg, following recognition of Russia by the United States. Lewis Milestone, who will direct, arrives on the *Ile de France* on Tuesday after making a study of conditions in Russia. Sam Briskin is en route from the coast to meet Milestone and discuss production plans. Laurence Stallings, who is preparing the script, recently was abroad looking over Russian activities.

Recognition of Soviet Held No Benefit to American Films

Foreign managers and distribution executives here see virtually no trade advantages accruing to the industry from the formal recognition of Russia announced in Washington yesterday and the resumption of normal trade relations with that country attendant upon the recognition.

With Soviet foreign trade on the basis of a government monopoly, imports have been limited to raw materials and machinery for Russian factories for several years. Moreover, Russian films perform a government propaganda service and the Soviet censors' requirements automatically eliminate the bulk of American product.

Similar views were also voiced by Carl Laemmle on his recent return to Hollywood from Europe and by Washington officials, as reported in *Motion Picture Daily*, Nov. 4 and 8.

Reveals Hand Of Chase Corp. In G. T. E. Deal

WASHINGTON, Nov. 17.—Vain efforts to secure a straight detailed account of the acquisition by the General Theatres Equipment Corp. of competing companies again marked the hearings of the Senatorial Wall Street committee today, and when the committee broke up it was decided that the matter will be pursued further Tuesday.

Participation of the Chase Securities Corp., a subsidiary of the Chase National Bank, in an agreement in July, 1929, by which General Theatres acquired assets in several equipment companies, was admitted by Murray W. Dodge, former vice-president of the securities company. Included

(*Continued on page 3*)

Neilan Is Back as Independent Here

Associated Film Producers Corp., headed by Marshall Neilan, has been formed to produce features in the east. Other officers are John Bergen, vice-president, and John H. Dahn, secretary-treasurer. On the directorate, besides the officers, are C. S. Peabbles, L. H. Herman and Walter Lenz.

(*Continued on page 3*)

Rumor Lily Pons to Sign Up with M-G-M

HOLLYWOOD, Nov. 17.—Rumors that Lily Pons will enter pictures was given added impetus following a lengthy conference with Irving Thalberg at M-G-M on the eve of her

(*Continued on page 3*)

FWC Claims Total Put at $39,000,000

LOS ANGELES, Nov. 17.—Claims against Fox West Coast total $39,000,000, with Westco the chief claimant for $16,000,000, but this has been cut to about $11,000,000 by the trustees, it was brought out at the U. S. Senate committee hearing here.

Fox Film claims $2,900,000 and Chase National Bank $4,400,000, but W. H. Moore, Jr., said this would be cut to about $3,000,000. F. W. C. was owned by Westco, Westco by Fox Film and Fox Film was controlled by the Chase bank, it was testified.

Moore said the trustees would not worry about an additional million, because it was "jettisoning about $20,000,000."

"Then," said Col. W. H. Neblett, counsel for the investigators, "this

(*Continued on page 3*)

See No Change Due To Shauer's Death

Death of Emil Shauer, vice-president of Paramount International, on Thursday, is expected to bring no changes in the personnel of the company's foreign organization.

Shauer was senior vice-president, but it was John W. Hicks, Jr., also

(*Continued on page 3*)

IATSE Waiting for Code, Says Elliott

The I.A.T.S.E. is now marking time until the proposed code is signed by the President, Louis Krouse, assistant to William C. Elliott, presi-

(*Continued on page 4*)

Johnson "Not Satisfied Yet" With the Code

Gives No Reason—Denies Labor Is Displeased

WASHINGTON, Nov. 17.—Shrouding the film code with a veil of secrecy, Recovery Administrator Hugh S. Johnson today told newspaper men he was "not satisfied with it yet," but refused to explain wherein his dissatisfaction lay or why he had reversed the position he took two weeks ago when, before his departure on his mid-western trip, he instructed his executive assistant, Colonel W. R. Lea, and Deputy Administrator Sol A. Rosenblatt to take the code to the White House for approval by the President.

Refusing to go into details about the code, the administrator denied that studio labor had expressed any objection to its provisions, saying it had not been charged that labor was dissatisfied, but that certain construction interests desiring a low hourly rate in their own code were seeking to have Rosenblatt's wage schedules

(*Continued on page 4*)

Code Delay Holds Up Jobs in Theatres

WASHINGTON, Nov. 17.—Delay in signing the film code is keeping many people out of work.

A considerable number of communications, it was learned today, have been received at the White House and Recovery Administration from men and women who have been promised work in theatres when the code goes into effect and additional employes are required. The senders ask that there be no further delay.

Libson Back in RKO Post at Cincinnati

Ike Libson has returned to his former post in charge of RKO theatres at Cincinnati and Dayton as a result of an RKO splitup of its mid-west division which puts the two Lib-

(*Continued on page 4*)

RKO Claims a New Music Hall Record

First day's gross for Radio's "Little Women," with Katharine Hepburn, was $15,615, which establishes a new

(*Continued on page 4*)

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Moran, Mack Go West

Moran and Mack, who have just completed a series of Educational shorts at the Eastern Service Studios, the latest of which is "Hot and Cold," leave today for the coast to complete their contract.

Al Christie directed those made here, and Harry Edwards and Charles Lamont will handle the rest of the series. They are planning a tour of one-night stands in a new skit called "Two Black Crows Review" as soon as the Educational contract is finished.

Milk, Eggs and Ham

This year's theatrical benefit for the Milk and Egg League is being combined with the benefit for the Actors' Fund and will be staged at the Imperial, Sunday evening, Dec. 17. All talent and services connected with the benefit will be donated and proceeds will be divided between the two funds.

Ascher Due Soon

Irving Ascher, head of European production for Warners, sails from London Nov. 29. He is coming over for conferences with H. M. Warner and Sam Morris. Current foreign production plans for Warners have a total of 22 scheduled for this season, but this number may be increased after the confabs.

Reach West Coast Today

HOLLYWOOD, Nov. 17.—George R. Batcheller and Maury Cohen of Chesterfield and Invincible arrive from New York tomorrow. They stopped over a day in Chicago on their way here.

L. O. Nutter Dead

CINCINNATI, Nov. 17.—Lawrence O. Nutter, 45, brother of Edna Mae Oliver, died suddenly at his home at Covington, Ky.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Vinegar Tree"

(M-G-M)

HOLLYWOOD, Nov. 17.—"The Vinegar Tree" is laden with laughter. Fast farce, sprightly dialogue and unique situations carry through its mirthful course.

The film, taken from the stage play, revolves around the emotional yearnings of a flapper and her collegiate flapjack, a neurotic mama and her elderly hubby, divorcee, and her artist sweetie. The six-love-seekers, all under one roof one week-end, with the three females gushing over Max, an artist, complicate the situations that create the laughs.

Aside from its humor, the production has heart interest and registers some neat observations on love—calf, cow and foolish.

Alice Brady, as the twittery mother whose heart is still young, carries the bulk of laughs with a breezy flair. Lionel Barrymore gives his usual distinguished performances as the grouchy understanding papa too old for love. Mary Carlisle, easy on the eyes, might well go places on the screen, if properly handled. Conway Tearle, Katherine Alexander, William Janney and Halliwell Hobbes are all good.

Harry Beaumont's direction is well timed and paced for laughs.

"The Vinegar Tree" should keep audiences in a happy mood.

Looking 'Em Over

"White Woman"

(Paramount)

A white jungle king, drunk with power, goes too far in insulting native chiefs. While the tom toms beat and an uprising gathers force the jungle despot is deserted by his white wife and her lover and awaits his doom playing poker with another braggart.

The picture is vaguely reminiscent of "Emperor Jones" in the way off stage sounds are used to build an impression of inevitable doom, but the central character, Charles Laughton, instead of being the lonely epitome of tragedy like Paul Robeson, is a Cockney with a sardonic sense of humor. He dies berating Charles Bickford for being stabbed in the neck at the instant he has filled his first royal flush in a poker game. It is a gruesome, but powerful scene.

The love interest is incidental. Laughton finds Carole Lombard, cabaret singer, in a tropical community, about to be deported, and takes her to his domain as a bride. She repulses him, but breaking his associates to his will is his chief pastime. She falls in love with his foreman, Kent Taylor, and Laughton sends Taylor to an outpost in the jungle. Bickford takes Taylor's place and is persistently repulsed by Miss Lombard until the uprising takes place. Taylor returns and flees with Miss Lombard. Bickford stays to out-bluff Laughton, and both are killed.

Some of the motivation seems a bit unreal but the drama is gripping. Stuart Walker did a good job of directing. Women may not go for the tragic ending.

Fox "A" Only Gain Shown

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23½	23	23½	.....	300
Consolidated Film Industries	3	3	3	— ⅛	200
Consolidated Film Industries, pfd	10⅛	9⅞	9⅞	.....	400
Eastman Kodak	73¾	72¼	73	.....	1,200
Fox Film "A"	14¾	14⅝	14⅝	+ ¼	200
Loew's, Inc.	31½	29½	29½	—1½	2,000
Paramount Publix	1⅞	1⅝	1⅝	— ¼	1,300
Pathe Exchange	1¾	1⅝	1⅝	.....	800
Pathe Exchange "A"	9¼	9	9	— ¼	1,400
RKO	2¼	2	2	— ½	1,900
Warner Bros.	7	6⅜	6½	.....	8,100

Technicolor Off Half on Curb

	High	Low	Close	Net Change	Sales
Technicolor	11¼	10⅝	10⅝	— ½	500

Warners Bonds Show Gain

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	4	4	.....	1
Keith B. F. 6s '46	45	45	45	.....	1
Paramount Broadway 5½s '51	28⅝	28⅝	28⅝	— ⅜	2
Paramount F. L. 6s '47	25	25	25	.....	1
Paramount Publix 5½s '50	25¾	25	25¾	— ½	10
Warner Bros. 6s '39, wd	39½	38	38¾	+1⅝	30

Purely Personal

ETHEL WATERS has been engaged by Magna Pictures for a two-reel musical which goes into production Nov. 20 under the title "Hot and Bothered," with LEIGH JASON directing. She will be supported by FRANK WILSON.

CHARLES STERN, United Artists' district manager for New York, Boston and New Haven, has moved his office from the Boston exchange to 630 Ninth ave.

KATHARINE HEPBURN, star in "Little Women," current at the Music Hall, is due in town from the coast over the week-end to fill a stage engagement.

ROBERT SHAYNE has completed a five weeks' location trip to Fort Myer, Va., and will leave New York for the coast in two weeks.

BOB FABER, who edited *Publix Opinion* until it was dropped, is back at Paramount, temporarily handling press books.

ED KUYKENDALL left for Chicago yesterday, on his way to Milwaukee for a Wisconsin M.P.T.O. meeting.

RUTH ETTING, just back from the coast, will be interviewed over WEAF tonight at 11:30 o'clock.

ELISSA LANDI will arrive today by plane from Hollywood for a brief stay.

MARK HELLINGER has sold his "Strictly Confidential" to Columbia.

JOHN ROACH is the new president of the Philadelphia Warner Club.

"Chance" Shaved

CHICAGO, Nov. 17.—Olsen and Johnson have been booked by the RKO Palace here for two weeks beginning Dec. 15, in a condensed version of their stage show, "Take a Chance," following which the musical comedy will make a tour of legitimate theatres in its original form.

Pola Negri Recovering

PITTSBURGH, Nov. 17.—Sufficiently recovered to travel, Pola Negri, who was stricken ill here last week after the final performance of "A Trip to Pressburg" at the Nixon, has left for New York, where she intends to take a two-month rest cure in a sanitarium.

Guild Roster Up to 550

HOLLYWOOD, Nov. 17.—Seventy-five more members have been added to the Actors' Guild, bringing the total to 550. A banquet and ball are planned for the Biltmore on Jan. 13, 30 days before the Academy awards dinner.

Much Excitement

"Dancing Lady" print hit M-G-M from the coast yesterday, was immediately screened and created much excitement around the home office.

Einfeld to Coast

S. Charles Einfeld, director of advertising and publicity for Warners, leaves for Hollywood on Wednesday.

FWC Claims Total Put at $39,000,000

(*Continued from page* 1)

bankrupt could purge itself by paying that outside million, because all the other claims likely to be allowed are owed to itself."

"Not if they form just one more company," interposed Senator Henry Ashurst of Arizona, "because what's one more company to Fox West Coast?"

Ashurst also inquired about the history of the Winfield Sheehan-William Fox struggle for control of the company, and asked: "What has become of Mr. Fox?"

Senator William G. McAdoo replied by saying: "Mr. Fox got out without any stock, but with a huge fortune. He was the wisest guy of all."

During the testimony of Moore, Neblett suggested that by divesting itself of paying houses and retaining non-profit houses for the bankruptcy action the company had "deliberately killed itself."

Moore replied: "No, it protected itself." He then went on to explain that prior to the bankruptcy F. W. C. was losing $17,000 weekly on closed houses and the bankruptcy permitted it to divest itself of many leases. Total losses prior to the bankruptcy ran to $25,000 weekly, he said. A new company formed after readjustment of leases has taken over the assets and has effected a saving of $29,000 monthly on rents.

Moore revealed that the original company prior to the bankruptcy owned, or held direct leases on, 65 houses, but retained only 30 or 35 of these in the bankruptcy list, others having been transferred to a new company, Fox West Coast Theatres Corp.

Asked who was running the new company, Moore said the trustees were, meaning himself, Charles Skouras and C. C. Irwin. He said the trustees meet daily at 2 P. M. to discuss the affairs of the company. Replying to a question, he said he did not think the old company could be revived.

Commenting on the pyramiding of the corporations, Senator Ashurst said:

"They were not holding companies, but hideout companies."

Rumor Lily Pons to Sign Up With M-G-M

(*Continued from page* 1)

departure for New York to begin a concert tour.

Although there was no verification from the studio that an agreement had been reached, there were no denials that a deal was in the air.

Cooper in Today

Gary Cooper arrives from the coast today and will remain for about two weeks. He'll take in the premiere of "Design for Living" at the Criterion, Nov. 22.

Skouras Moves

Skouras Theatres Corp. has moved from the fourth to the 14th floor in the Paramount building.

Neilan Is Back as Independent Here

(*Continued from page* 1)

Neilan will have charge of production.

The new company says it plans to make pictures "with eastern backgrounds and scenery and with new faces unattainable in the west." Its first production, "Social Register," is under way at the Eastern Service studio in Astoria and will be released by Columbia in January. Neilan is directing with William De Mille as associate producer. The cast is headed by Colleen Moore, who is supported by Pauline Frederick, Alexander Kirkland, Margaret Livingston, Charles Winninger, Ross Alexander, Roberta Robinson, Olive Olsen and Georgette Harvey. Harold Godsoe is assisting in the direction with Merrit Gerstad and Walter Strenge at the camera. "Social Register" is from the play by John Emerson and Anita Loos, adapted by James A. Creelman.

RCA Equipment Set For Biograph Plant

Negotiations with the RCA Victor Co. for the installation of its "High Fidelity" sound recording system in the Biograph studio in the Bronx have been completed, it was learned yesterday. When the job is finished at the end of this month, the plant, it is claimed, will be on a footing with the leading Hollywood studios as far as technical facilities are concerned.

Two sound stages, each approximately 80 by 120 feet, will be equipped with Photophone. Both stages have already been soundproofed preliminary to the installation of the equipment, while work on sound control rooms is now in progress. Reproducing apparatus of the same type will be used in the projection room of the studio, which is expected to open early next month.

I. E. Chadwick Plans For Four This Year

I. E. Chadwick plans four features for state right distribution this season. The first, "Wine, Woman and Song," with Lilyan Tashman has been completed.

Charles Jones yesterday rejoined Chadwick in charge of publicity and advertising and will open a New York office for the company.

Para. Meeting Delayed

An adjourned first meeting of Paramount Publix creditors scheduled for yesterday before Referee Henry K. Davis was postponed until Nov. 22. John Hertz, former chairman of the Paramount finance committee, will resume testifying on that date.

Kandel Buys 3-Reeler

M. J. Kandel, president of Ideal Pictures Corp., has bought "Golden Ghosts," a three-reeler produced by Bob Tansey and A. Lane. It will be distributed in the states rights market.

Break for Soup Lovers

A Thanksgiving Eve party is planned by studio and laboratory staffs of the Brooklyn Vitaphone studio, to take place on one of the sound stages.

See No Change Due To Shauer's Death

(*Continued from page* 1)

a vice-president, who carried the burden of the department's administration in view of the former's long and lingering illness. Hicks, for 11 years prior to his promotion and transfer to New York, was in charge of all Paramount activities in Australia.

Between 80 and 90 cablegrams of condalence reached New York yesterday, many of them from companies and individuals not identified with Paramount.

Keen Over Exchange Of U. K.-U. S. Talent

Expressing their opinion that the proposed interchange of players between Fox and Gaumont British would do much toward improvement of product and relations between England and United States, officials of the two companies met at a lunch at the Canadian Club yesterday in honor of Jack Hulbert and Cicely Courtneidge, G. B. stars now on vacation in New York.

Present from Gaumont British of America were Arthur Lee, president who gave the lunch, and Lowell V. Calvert, sales manager. From Fox were W. C. Michel, Dan Michalove, Clayton Sheehan, Robert T. Kane, D. A. Doran, Spyros Skouras, Charles E. McCarthy, N. L. Ahern, Irving Maas and Joe Pincus. N. L. Nathanson, whose Regal Films handles G. B. in Canada, was another guest.

Kansas City Union Stay Is Continued

KANSAS CITY, Nov. 17.—Injunction suit of the suburban Sun Theatre against Local 170, has been continued indefinitely in the Circuit Court here because of the absence from the city of the union's counsel. The issue involved is whether the union shall be permitted to picket the house, where the owners operate their own machines. Meanwhile, the temporary restraining order remains in effect.

Fear Scandinavian Ban

DENMARK, Nov. 17.—Fear is expressed by American companies that stoppage of film importations here will spread to Scandinavia, including Norway, Sweden and Finland. Peterson and Poulson, Danish inventors, claim their noiseless recording patents date before Erpi's, which process is used by American companies.

"Alice" for Paramount

Negotiations between RKO and Paramount falling through, "Alice in Wonderland" goes into the Paramount, New York, Christmas week. RKO wanted the picture for the Music Hall on the same week. Brooklyn Paramount also gets the Lewis Carroll film starting Dec. 22.

Flinn to Act for Wampas

John Flinn, president of the A. M. P. A., will represent the Wampas in addition to his organization when advertising managers of all companies are called for conferences at the Hays office on administering the advertising clause in the code.

Reveals Hand Of Chase Corp. In G. T. E. Deal

(*Continued from page* 1)

among the companies acquired were the Mitchell Camera Co. and International Projector.

The Mitchell company was acquired by a circuitous method, its assets first being purchased by Harley L. Clarke, then by the Mitchell Camera Corp., then by Fox-Grandeur and finally by General Theatres taking a half interest in Grandeur. No reason for the involved method of purchase could be given by Dodge, who denied, however, that it was to "hide" the transaction.

The method by which William Fox acquired a half interest in Grandeur remained uncovered after two days' investigation, although Dodge told the committee that Clarke "found competition" in Fox when he sought to purchase the Mitchell company.

The committee also inquired into the issuance by General Theatres of $6,000,000 in gold debentures, in the financing of which Chase Securities participated, Dodge explaining that it was the intention of Clarke to issue 60,000 shares of convertible preferred stock but that the securities company objected. The debentures were sold to the bankers at $90 and to the public at $99, it was revealed.

FWC and Fox Studio Men Start Sessions

HOLLYWOOD, Nov. 17.—The first of a series of semi-monthly meetings between Fox West Coast divisional managers and advertising department and the studio publicity staff has been held at the Movietone plant.

The meetings are under the guidance of Arch Reeve, Fox publicity head, and Reeves Espee of West Coast, who are working toward closer relations between the two organizations.

Cohen to Look Over Sites on the Coast

LOS ANGELES, Nov. 17.—Louis Cohen, handling real estate deals for F. & M., is due here Monday from New York to look over various theatre sites in which F. & M. is interested.

In addition to this, Cohen will spend the holidays with his family and get a bit of rest.

Brown in Pittsburgh

PITTSBURGH, Nov. 17.—Joe E. Brown is in town on his way from the Coast to New York and will spend the week-end here, taking in the Pitt-Nebraska football game. A great personal friend of Jock Sutherland, the Pitt coach, and always a booster for the local football team, Brown also came on her last fall to see the Pitt-Notre Dame clash.

Editing 14 Vitaphones

The cutting room at the Brooklyn Vitaphone studio is busy on 14 shorts, comprising two three-reelers, five two-reels and seven one-reel subjects. One of the three-reelers stars Molly Picon; the other, Norma Terris.

Johnson "Not Satisfied Yet" With the Code

(Continued from page 1)

deleted lest they be considered, with their higher rates, a precedent. The presence of Pat Casey in Washington is understood to concern the reclassification of the studio labor provision.

It was explained by Johnson that Lea held the code up with his knowledge and approval. This was followed by a statement that "it has got to be acted on in the next week," although he would give no reason for the sudden desire to dispose of the code, which has been hanging fire for weeks.

Since his return to Washington, Johnson said, he has not discussed the code with the President, nor has he had an opportunity to take it up with Lea.

It was learned today that the code has been returned to Johnson by Lea with a report which is understood to dwell unfavorably upon certain clauses, the identity of which was not revealed.

Casey Files Denial Of Coercion Charge

(Continued from page 1)

complaining that studio employes were not being permitted to choose the union they were to join. It was reported today, however, that men were being forced by the producers to join both the I. A. T. S. E. and I. B. E. W. Casey, however, denied that any effort at compulsion is being made.

IATSE Waiting for Code, Says Elliott

(Continued from page 1)

dent, stated yesterday on his return from Washington and Philadelphia. He stated that as far as he knew there were no changes in the labor clause of the third draft, which provides for a 40-hour week for all organized crafts.

Whether the International will open an office in Washington depends on the amount of work to be done in the capital, Krouse stated. Elections of the national labor organization take place some time in June, the exact date and place to be determined by the board of directors at a meeting in January.

All organized crafts in the industry have signed the code.

Vitaphone and Erpi Argument Is Heard

DOVER, Nov. 17.—Additional argument was heard today by the Supreme Court in the suit of Vitaphone against Erpi. The case was argued first on Oct. 24, but today's hearing was to clear up one point. Decision was reserved.

Brisson Due in Jan.

Carl Brisson, Danish actor who has made a name for himself in British pictures, is due in New York after the first of the year to start work on a term Paramount contract.

Looking Over Shorts

"The Pet Shop"
(United Artists)

In this one Walt Disney puts Mickey Mouse through a series of antics after he gets a job in a pet shop run by a big Italian who sings opera. Mickey sweeps a broken package of bird seed into a pelican's gaping bill, an ostrich swallows another package which makes him whistle. Then he follows it by swallowing an umbrella. An orang-utan thinks he is King Kong and starts wrecking the shop after he grabs Minnie, but all the birds and mice and other pets come to the rescue. It's good for a series of laughs. Running time, 8 mins.

'Scouring the Seven Seas'
(Fox)

An "Adventure of the Newsreel Cameraman" dealing with catastrophes of the sea. Interesting shots are shown of liners sinking and burning while the crews are being rescued by passing steamers. Tidal waves on the coasts of South America and Japan and the havoc they caused, are breathtaking. Other shots of storms and hurricanes encountered by cameramen while at sea are also shown. Running time, 9 mins.

"Island of Malta"
(Fox)

This one maintains the high standard of the Magic Carpet of Movietone travel shorts. It offers a short respite from the every day. Life and customs in this British stronghold off the southern coast of Sicily are depicted by the camera in a series of beautiful shots filled with unflagging interest. Running time, 10 mins.

"Luncheon at Twelve"
(M-G-M)

Charlie Chase does not fare better than average in a comedy too flimsy to amount to much. The comedian, again as the timid lover, gets himself a job as a painter assisting the father of the girl he loves. Put a can of paint and a paint brush in the hand of a funster on the screen and you know what to expect. Charlie and his fellow workers make a mess of things. The humor is never more than mild. Produced by Hal Roach. Running time, 20 mins.

"Canal Gypsies"
(Ideal)

Life on the waterways. Here is a subject which shows how the occupants of the boats which daily make the rounds up and down the river live. The scene is laid in rustic England. The running monologue is interesting. Running time, 9 mins.

"Newslaughs"
(Beverly Hills)

Topics of the day culled from newspapers throughout the country can bring laughs. In addition Irvin S. Cobb appears on the screen twice to narrate what he considers the best stories of the week. Only one got a laugh at the Mayfair. It's entertaining. Running time, 9 mins.

"Please"
(Paramount)

Bing Crosby sings a couple of numbers, among them "Please." He goes on a vacation incognito, meets his light o' love in a mountain retreat and vies with Vernon Dent for her hand. He sings his way into her heart and when she finds out who the crooner really is she's upset for the moment, but his rendition of "Please" makes her capitulate. A very entertaining number. Running time, 21 mins.

"Million Dollar Melody"
(Educational)

One of the first of the Educational musicals made over on Long Island and rates average at best. It has to do with efforts of musical Eddie Craven to sell his music and success that comes only after his alleged death. Best thing in the picture is the hot-cha singing of Lillian Roth. She knows how to put over a number and clicks that way here. Running time, 21 minutes.

"Mickey's Tent Show"
(Columbia)

A Mickey McGuire comedy. Mickey's gang stages a tent show in spite of opposition from the rival gang which tries to drown out the entertainment with a borrowed radio. An impersonation of Mae West by a member of Mickey's gang in an act for the tent show is an amusing bit. This one is about equal in entertainment with the rest of the Mickey McGuire series. Running time, 18 mins.

"Three Little Swigs"
(Paramount)

Leon Errol is the whole show in this comedy. Without him and his funny legs this would be something else again. Errol appears in the role of a hubby who has a genius for getting himself in embarrassing situations with women, though innocently. His constant efforts to square himself with his wife are productive of considerable humor. Running time, 21 mins.

'Answering the Riot Call'
(Fox)

Another of the "Adventures of the Newsreel Cameraman" series dealing with riots throughout the world. Particularly striking are the shots of the disturbances in India, and in Union Square, New York. Views of the police battling the rioters abound. Some of the scenes taken in Central Europe show history in the making. Running time, 9 mins.

"The Mystic East"
(Ideal)

The intimate lives of the natives of Korea, Java and Samoa constitute the makings of this travelogue, which has a running descriptive monologue. The natives at work and play are caught by the camera. At times the photography is not clear. This subject has nothing to distinguish it from other travelogues. Running time, 10 mins.

Secret Report On Producers Stirs Talent

(Continued from page 1)

was never intended for revelation before the full membership, but that it has been filed with Deputy NRA Administrator Sol A. Rosenblatt by Lester Cowan as a protest against inclusion of an anti-raiding clause in the code as Article 10 or 5.

The history of the agreement appears to be that the Academy has never acceded to it. It was first promulgated in December, 1931, by the producers and Edwin J. Loeb was employed to administer it. The Academy board refused to endorse the agreement, but said that if certain modifications were made it would appoint a committee to observe its operation for one year, and then report its findings. These modifications were made and the year ended July 12. A secret report was then made and Loeb resigned.

RKO Claims a New Music Hall Record

(Continued from page 1)

record for both dollars and number of admissions for a first day's performance at Radio City Music Hall, RKO reported yesterday. The figure is approximately $1,000 more than the previous first-day record established by Fox's "Cavalcade" and, despite a five-cent boost in admission prices for the Hepburn picture, represents 30 more admissions than were clocked for "Cavalcade," according to RKO.

Libson Back in RKO Post at Cincinnati

(Continued from page 1)

son cities in one section and Cleveland and Columbus in another. Nat Holt has been placed in charge of the latter division.

The changes, effective immediately, also result in the assignment of Arthur Frudenfeld to Cincinnati, under Libson.

George Brown Returning

HOLLYWOOD, Nov. 17. — George Brown leaves for New York on the Chief tomorrow. He gets into the home office Tuesday.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 119 NEW YORK, MONDAY, NOVEMBER 20, 1933 TEN CENTS

Chicago Sees Repeal with Mixed Views

Neighborhoods Worried, But Loop Hopeful

CHICAGO, Nov. 19.—Opinion here is about equally divided on the effect of repeal at box-offices. Neighborhood exhibitors claim that the advent of 3.2 didn't do their business any good and fail to see where repeal is going to affect their business differently.

In fact since beer came it has cut into neighborhood business to a considerable extent through the development of the so-called taverns. These spots, with which Chicago is well spotted, are not only dishing out the brew but are proving family hangout places.

With free sandwiches, free fish on Fridays and plenty of pretzels always,

(*Continued on page 6*)

Publix-Saenger Deal Is About Set

A partnership deal between Paramount Publix and E. V. Richards covering operations of the Saenger theatres in the South on Saturday was reported to have entered its final stages.

It is understood that the plan provides for immediate removal of Saenger Theatres from receivership and that this phase of the impending deal

(*Continued on page 8*)

Chicagoans Invited To Milwaukee MPTO

CHICAGO, Nov. 19.—Exhibitors and exchange managers here have been invited by Fred S. Meyer to attend the Tuesday meeting of the M.P.T.O. of Wisconsin at Milwaukee which is to be addressed by Deputy NRA Administrator Sol A. Rosenblatt.

Jack Miller will attend, as Rosenblatt is not scheduled to deliver any talks here.

Poli to Take Over Circuit on Nov. 21

NEW HAVEN, Nov. 19.—S. Z. Poli in all probability will operate his former circuit himself when the houses revert to Poli-New England on Nov. 21. It is reported here that Poli was dissatisfied with the offer made by Loew's, because, it is said, the reputed $10,000 weekly rental figure would not

(*Continued on page 6*)

Drop Reported In Violations Of Copyrights

Sharp Rise in "Payable" Playing Time Results

A gradual falling off in the number of copyright violations by exhibitors has been particularly marked for the past eight months, although the trend was established more than a year ago following establishment of a campaign by the Copyright Protection Bureau to prevent violations by educating exhibitors against illegal trade practices, the bureau reports.

The decreasing violations have brought about a considerable increase in "payable" playing time throughout the country, and so marked has the decrease in unauthorized holdovers of pictures become that distributors have noted the resultant benefits and now comment on it with increasing fre-

(*Continued on page 6*)

Yates and Hirliman Signing Up Talent

Herbert J. Yates, president of Consolidated Films Industries, and George Hirliman, who are now on the coast are lining up talent for the latter's production venture at the Biograph studio. Writers, directors and players are being signed.

Hirliman plans to make six pictures in the east with Consolidated backing to the tune of $350,000. Yates and Hirliman return in three weeks and expect to start work on the first story immediately.

Ohio's Lobby Probe Suspended by Jury

COLUMBUS, Nov. 19.—The Franklin County Grand Jury has adjourned its investigation of alleged theatre lobbying against the 10 per cent tax subject

(*Continued on page 6*)

Sees No Code Talk

Joseph M. Schenck does not believe that the code will enter into any conversation that Eddie Cantor may have with President Roosevelt even if the comedian is granted an audience at Warm Springs, Ga., in the near future, Schenck said on his arrival from the coast yesterday.

"The President's policy has been not to discuss the code until submitted to him and signed," Schenck said by way of explaining his opinion.

Stagger Plan In Effect Soon For Musicians

Brighter days are just ahead for the musicians of the country as the result of a decision, made Saturday, that the American Federation of Musicians, after consideration of a number of proposals to cut down unemployment in the profession, had definitely chosen a stagger system as the instrument with which to achieve this goal.

It was learned at the offices of the Federation by MOTION PICTURE DAILY, that the plan is expected to go into effect momentarily. Locals throughout the land are in receipt of requests from the national organization that

(*Continued on page 8*)

Chase-Fox Loans Next Up in Probe

WASHINGTON, Nov. 19.—Details of the story of how the Chase National Bank secured control of Fox Film through loans running over $100,000,000 will be gone into when the Senate

(*Continued on page 6*)

Mae's a Kansas Angel

Topeka, Nov. 19.—Having brought about the resurgence of the corset and what it takes to put in it, Mae West will probably be adopted as their patron saint by America's farmers, restaurateurs and corset manufacturers, she has been informed by Phil E. Zimmerman, executive secretary of the Kansas Restaurant Ass'n.

Zimmerman's letter has been pounced upon by theatre managers, who are using it as a novel and effective advertising plug for "I'm No Angel." It has already been reproduced in advertisements of Kansas theatres in newspapers totaling almost a million circulation. The newspapers and theatres, additionally, benefit by

(*Continued on page 6*)

Schenck Says Code Is Only "Temporary"

"Why Submit," He Asks, "To Demoralization?"

Characterizing the NRA code as a "temporary measure" and Article 5, regulating talent "raids," as "likely to disorganize production and demoralize the industry," Joseph M. Schenck, head of United Artists and 20th Century Pictures, arrived from the coast yesterday, still holding to the fiery code viewpoint which made him something of a storm center in argumentative Hollywood quarters and led to the tendering of his resignation some few weeks ago from the M. P. Producers' Ass'n., the Hays Hollywood unit.

Joseph M. Schenck

With this classification of the NRA code and its most objectionable—to

(*Continued on page 8*)

Four Marxes Plan Their Own Company

The Four Marx Brothers will form their own producing company and make one picture a year, to be released through United Artists, beginning next season, Joseph M. Schenck, head of U. A. and 20th Century Pictures, said yesterday.

Asked about reports that Fredric March would be signed by 20th Century, Schenck's reply indicated either that he had no definite information on the subject or else was unwilling to divulge it.

"We are always dealing with everybody," he said.

On Nov. 15, MOTION PICTURE DAILY exclusively stated the Four Marx Brothers would release through U. A. all pictures after "Duck Soup." Paramount also had been negotiating with the comedians.

Rumor Mae West May Go to 20th Century

The unconfirmed route has Mae West traveling from Paramount to 20th Century after the completion of

(*Continued on page 6*)

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Clevelanders State 52 Attended Session

CLEVELAND, Nov. 19. — Cleveland men are disturbed over the publication of a story to the effect that only 35 exhibitors attended the organization meeting of the new Independent M. P. Exhibitors' Ass'n of Ohio.

They assert 52 theatre owners attended in person, that George W. Erdmann held proxies for 24 additional Cleveland houses, and that small circuits in Columbus, Dayton and Zanesville were represented.

Cleveland Hipp to Open

CLEVELAND, Nov. 19.—Hippodrome, newly acquired by Warners, opens Tuesday, with a straight picture policy at the prevailing local admission prices of 30c, 35c and 44c. A Hollywood opening of "The World Changes" with Klieg lights, broadcasting of guests and music is planned by Sidney Dannenberg, Warner publicity chief. William Watson remains as manager of the house. J. Knox Strahan, who handled the Hippodrome publicity, has been assigned to Canton as manager of the Alhambra. He succeeds Dick Crusigar.

Vallee in Fox "Scandals"

HOLLYWOOD, Nov. 19.—Rudy Vallee, Lilian Harvey, George White, Cliff Edwards and a flock of radio and screen players are to appear in the Fox edition of George White's "Scandals," says Robert Kane, producer for Fox.

Ray Henderson, Jack Yellen, Irving Caesar and Joe Cunningham are already working on the story, and Russell Markert is laying out the dance routines.

Warner List to Skouras

Skouras Theatres Corp. has closed for Warner product in all of the circuit's local houses.

Insiders' Outlook

THE confab itself is old news, but the inside of what transpired when the Allied bunch conferred with Hugh S. Johnson, Sol A. Rosenblatt and Colonel W. R. Lea in Washington is not. Nobody has talked much about it before or since, but the most persistent yarns all seem to indicate some of the Allied men present emerged with compliments which were hardly that. Rosenblatt is reported to have taken each one and dissected him in a surgical procedure based on what the deputy presented to Johnson and Lea as the facts in their background. . . .

▼

A pretty warm exchange of words is understood to have been made between Rosenblatt and Abram F. Myers. Moe Horwitz of Cleveland is another who is reported to have come in for several hot shots, and while H. M. Richey of Detroit was not present, that, seemingly, did not exempt him from the conversation. Rumored to have played a substantial part in the pow-wow was the Allied's stand on matters having to do with exhibition and, of course, the manner in which the code, as drawn, fitted in with the association's attitude. . . .

▼

Eddie Cantor declared his forthcoming visit to Warm Springs was by Presidential invitation. There seems to be some doubt about it—the invitation, that is. If Cantor does see the Chief Executive, the conversation to follow on star salaries is apt to be very interesting and along the "unconscionable salary" line which the President has expounded very clearly in the last two months. Eddie may be embarrassed. . . . Sam Dembow is betting hats on those Publix houses up-state. . . .

▼

Did those New York critics go for "Little Women"? To prove that they did—and all the way—here are some adjectives and phrases culled from the reviews themselves:

"Exquisitely tearful. Heart-throb quality. Tenderly beautiful. Gem that sparkles and glows. Super acting. Reverent, sensitive and lovely. Lovably real. Superbly cast. Almost lyrical tenderness. Unconquerable Miss Hepburn. Curiously touching. Very lovely and gently moving. Fragrance of truth. Untouched beauty. Intelligent spirit. Vital and sympathetic. Tenderly directed. Incomparable."

Remember, the critics are hurling the adjectives, but such a gorgeous job is "Little Women," this column has no hesitancy in ditto-ing the quotes. . . .

▼

Among those present in the Garden fight sequences of "The Prizefighter and the Lady" is "Nicholas Schenck, the famous movie magnate," according to the radio announcer who figures in the exciting window-dressing background. . . .

▼

Ed Wynn very nearly went to Fox instead of M-G-M and that's something or not something, dependent upon what the comedian's first talker does. Fox offered him $100,000 on a deal and Wynn was inclined to go for it. Then along came M-G-M with an additional $50,000 and Wynn went the way of all flesh. . . .

KANN

Under the Same Roof

HOLLYWOOD, Nov. 19.—Work is near completion here on a $35,000 addition to the Warner-First National property to house 20 of the 28 writers under contract to the producers under one roof.

Plan New House Here

Plans have been filed with the Manhattan Department of Buildings for the construction of a 530-seat theatre at Broadway and 67th St. at a cost of $22,000. The property is owned by the 1981 Broadway Corp.

Most Issues Remain Steady

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	23¾	23½	23¾	+ ¼	400
Consolidated Film Industries, pfd	9⅝	9⅝	9⅝	— ¼	1,200
Eastman Kodak	73¾	73½	73½	+ ½	300
Fox Film "A"	14¼	14¼	14¼	— ⅜	100
Loew's Inc	30	29⅞	29⅞	+ ⅜	500
Pathe Exchange	1⅝	1⅝	1⅝	.....	200
Pathe Exchange "A"	9⅜	9	9⅜	+ ⅜	900
RKO	2¼	2¼	2¼	+ ¼	100
Warner Bros.	6⅝	6⅜	6½	.....	1,400

Technicolor Only Curb Issue

	High	Low	Close	Net Change	Sales
Technicolor	10⅝	10⅝	10⅝	.....	100

Paramount F. L. Bonds Off One Point

	High	Low	Close	Net Change	Sales
Keith B. F. 6s '46	45½	45	45	.....	5
Paramount Broadway 5½s, '51	29	29	29	+ ⅜	1
Paramount F. L. 6s '47	24	24	24	—1	5
Pathe 7s '37, ww	85	85	85	.....	1
Warner Bros. 6s '39 wd	39	38¼	38¼	— ⅛	3

Purely Personal

HOWARD DIETZ is getting fan mail from radio listeners. He was on the air Friday night introducing his musical numbers in the "Theatre of the Air" program.

MARCELLA BANNETT, secretary to DAVID O. SELZNICK, leaves for the coast today. She has been here on a leave of absence during which she covered a number of plays.

CARL LESSERMAN, Chicago district manager for Warners, likes the New York ozone so much he's thinking of moving his headquarters here.

ED SELZER intends to make "Hi, Nellie" the Warner password. It also happens to be the title of PAUL MUNI's next picture.

JOAN CRAWFORD, FRANCHOT TONE, HUNT STROMBERG and JOHN MAHLIN, all M-G-Mers, leave for the coast in a week.

JOSEPH BERNHARD returns to Pittsburgh today after week-ending in New York.

HAL LEROY left for the Warner coast studio yesterday. He's slated for the lead in "Harold Teen."

HAL SKELLY is being tested by M-G-M for a term contract.

DOUGLAS SHEARER has returned to Culver City after a brief stay here.

Warners' Checking Office Open in K. C.

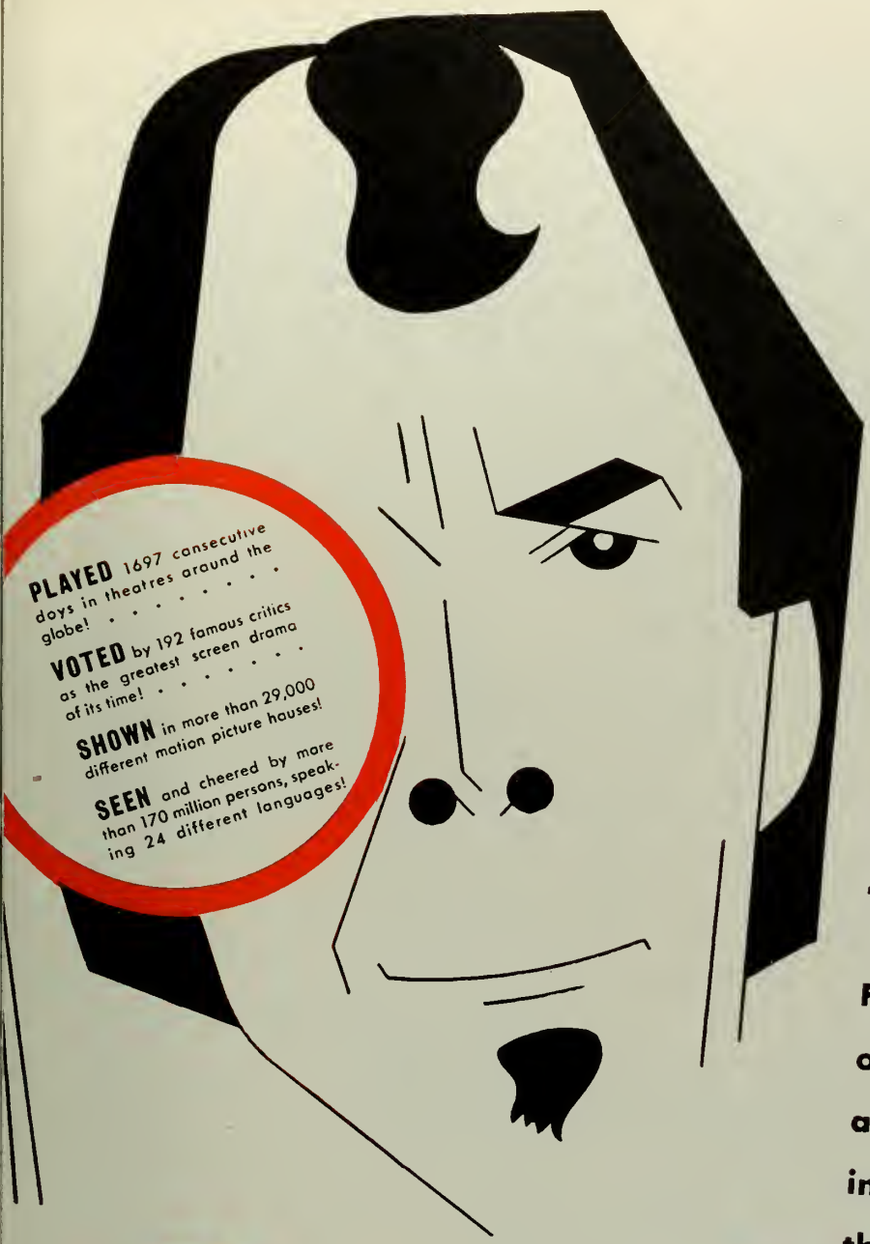
KANSAS CITY, Nov. 19.—Regional headquarters of the Warner checking service have been established here, replacing Ross Federal Service on Warner-First National percentage engagements. W. W. Flynn, formerly of New York, is in charge as field supervisor for Kansas City, Omaha and Des Moines territories. Offices are on the second floor of the Warner exchange building in space formerly occupied by the Kansas-Missouri Theatre Ass'n, which has moved to another location in the Warner building.

Buffalo Board Elects

BUFFALO, Nov. 19.—New officers of the Buffalo Film Board of Trade are: President, Dave Miller, Universal; treasurer, Harry T. Dixon, RKO Radio; vice-president, Joe Miller, Columbia. It is possible Miss Emma C. Abplanalp, former secretary, who has been supervising the group's work while acting as secretary of the Chicago board, may return here if the secretaryship is again made a full time job under the NRA.

Emil Shauer Buried

Emil E. Shauer, vice-president of Paramount International, who died Thursday, was buried yesterday in Woodlawn cemetery following funeral services at the Universal Funeral Chapel.



THE "RE-ORDERS" ARE ROLLING IN!

From Ed Fay of Providence—from Bill Keyes of Dayton—from Ike Libson of Cincinnati and scores of others . . . a flood of bookings for FULL-WEEK return engagements of the screen classic of all time . . . George

ARLISS in DISRAELI

These smart showmen know there are millions who want to see "Disraeli" *again*...They know there's A NEW GENERATION that has *never* seen it...They know they can't find anywhere a better *family* show!...Take their tip!

WARNER BROS. HAVE THE SHOW YOU NEED FOR THANKSGIVING AND CHRISTMAS HOLIDAYS

[1] *Vitagraph, Inc., Distributors*

A Great Star
in a
Great Picture
from a
Great Play
by a
Great Author
with a
Great Cast

•

with

BEBE DANIELS
DORIS KENYON

ONSLOW STEVENS, ISABEL JEWEL, MELVYN DOUGLAS, THELMA TODD, MAYO METHOT. Produced by Carl Laemmle, Jr., from the sensational stage success by ELMER RICE. Directed by William Wyler. Presented by Carl Laemmle.

JOHN BA
COUNSEL

RRYMORE

OR AT LAW

Chicago Sees Repeal with Mixed Views

(Continued from page 1)

exhibitors are finding many patrons whiling away an evening in the taverns. Recently many of the taverns have put in a two by four dance floor with radio music during the week days and an indifferent orchestra Saturday and Sunday.

Loop exhibitors are more optimistic. They point out that the extra revenue accruing to the government from repeal is going to mean an easing in the tax situation—possibly even affecting theatres eventually. Their attitude is that repeal will give new impetus to cafe and hotel life and that this will have a beneficial effect at the box-office. Repeal will be conducive to a spending mood and this angle is an important one in the opinion of down town operators.

Chase-Fox Loans Next Up in Probe

(Continued from page 1)

Banking Committee resumes its hearings here Tuesday.

Winthrop W. Aldrich, president of the bank, has agreed to furnish figures on the total loans.

The inquiry is expected to bring out further details of the operations of Harley L. Clarke in the formation of General Theatres Equipment and the alleged payment of $2,000,000 to William Fox for his patent rights to Grandeur pictures.

Court Approves Fox, G. T. E. Compromises

WILMINGTON, Nov. 19.—Chancery Court approval has been given the proposed settlement of controversies between the receiver for General Theatres Equipment Corp. and the receivers for Fox Theatres Corp and others.

In his petition for approval U. S. Senator Daniel O. Hastings said there was no opposition to the settlement and he felt it would be highly advantageous to both corporations. Settlement of the controversies was also necessary, he said, before a reorganization could be completed.

Robert H. Richards of Wilmington, representing a debenture holders' committee for General Theatres, informed the court his committee was in favor of the agreement.

"U" Ends "Oh, Baby" Kansas Censor Row

KANSAS CITY, Nov. 19.—Universal has patched up its differences with the Kansas state censors over eliminations made in "Love, Honor and Oh, Baby!" and the picture is being released to Kansas exhibitors. The censors had entered objections to some of the dialogue in the courtroom scene in the picture.

P. A. Powers Goes West

P. A. Powers, president of Celebrity Pictures, is due on the coast early this week to start production on his new series of "ComiColor Cartoons."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Dark Hazard"

(First National)

HOLLYWOOD, Nov. 19.—"Dark Hazard" omits none of the more popular games of chance, with Edward G. Robinson portraying the gambler de luxe, who wins and loses 20 grand time and again at roulette, cards, dice, horses and dogs.

Robinson's followers may be disappointed in the light role, accustomed as they are to seeing him in more dynamic and dominating parts. In this he cowers before Genevieve Tobin, his wife, influenced by a Puritanical mother opposed to gambling. The conflict between gambling and love for his wife makes the virile Robinson somewhat of a softy, until he realizes the wife has walked off with his latest 20 grand coup and later falls for a "much nicer" man who prefers philandering with hearts to other phases of gambling.

The production as a whole carries exciting moments intermingled with humorous incidents, heart interest and human touches contributed by an able supporting cast including Glenda Farrell, Robert Barrat, Gordon Westcott, Hobart Cavanaugh, George Meeker, Henry B. Walthall, Sidney Toler, Emma Dunn, Willard Robertson and Wm. V. Mong.

The production has everything one could expect in lavish settings, diversified locales, action, pathos and humor required to make program fare entertaining.

Screen play is by Ralph Block and Brown Holmes from the W. R. Burnett novel, photographed excellently by Sol Polito and directed with skill and excellent character delineation by Al Green.

Ohio's Lobby Probe Suspended by Jury

(Continued from page 1)

to call by D. J. Hoskins, county prosecutor.

A number of Cleveland exhibitors, and P. J. Wood, business manager of the M. P. T. O. of Ohio, testified. The investigation is to be continued, Hoskins said, and the jury will be recalled if the evidence justifies it.

Airing Sales Views

WHITE SULPHUR SPRINGS, W. Va., Nov. 19.—Paramount home-office executives wind up a three-day sales confab at the Greenbrier tonight and return to New York. Those here include George J. Schaefer, J. J. Unger, Stanley Waite, Neil Agnew, Milton Kusell, G. B. J. Frawley and Robert Gillham.

Columbia's British Deal Is Called Off

LONDON, Nov. 19.—A proposed deal for production of Columbia's quota pictures here by B. I. P. has been called off. Arthur Dent, B. I. P. general manager, said that the companies were unable to agree on terms.

Collapse of this deal, however, does not affect Columbia's American distribution rights to the B. I. P. picture, "The Song You Gave Me," which was sold by Dent on his last trip to America.

Pascal Goes on Board

HOLLYWOOD, Nov. 19.—Ernest Pascal has been elected to the executive governing board of the Screen Writers' Guild, replacing James A. Creelman, who will remain in New York.

Mae's a Kansas Angel

(Continued from page 1)

cooperative restaurant advertising. One Topeka cafe advertises: "Come up and see us sometime."

The letter which is causing so much commotion in the corn belt follows:

"Speaking for several thousand Kansas restaurateurs, I wish here and now to inform you that we most ardently disagree with the title of your latest picture, 'I'm No Angel.' We not only believe you to be angelic; we regard you as our angel. There's a reason!

For many years the silly sector of society has been aping the slender, slab-sided sisters of the cinema, to the detriment of the nation's health—and at a staggering price to those in America who depend upon the sale and production of food for a livelihood.

"You have truthfully stated that 'a woman can't wear a corset unless she's got something to put in it.' She'll never acquire that seductive 'something' on the diet of orange juice and rabbit rations recommended by Hollywood's cadaverous chorines.

"If the 'curves' you have introduced into the picture develop into a national epidemic, it will contribute more to the nation's health and happiness than the combined efforts of its doctors and preachers. True, it may spell tough sledding for the fanatical food faddists; it will cut deeply into the incomes of certain fad-endorsing cinema celebrities; but the American farmers, restauranteurs and corset manufacturers will answer by joining forces and erecting a great national shrine to their 'Blessed Mae.'

"When Will Rogers mercilessly exposed that 'Hollywood 18-day orange juice diet,' he rendered a service second only to yours in introducing and popularizing 'curves.' For this outstanding contribution to human well-being and happiness, the Kansas restauranteurs hereby express their deep gratitude.

"The presentation of the enclosed card to any Kansas restaurant will assure you a meal fit for the gods. We dare you to come to Kansas and test the Sunflower hospitality."

Drop Reported In Violations Of Copyrights

(Continued from page 1)

quency, according to Jack Levin, manager of the bureau. Exhibitors, he said, have also begun to notice benefits accruing to them from lessening instances of unfair and illegal competitive practices of copyright violators, and have commended the bureau on this angle of its work.

H. L. Groves and J. L. Stein, division managers for the bureau, who have been conducting most of the educational work in the field under Levin's direction, returned recently from extensive tours of the country with a report that the campaign for deterring copyright violations, rather than emphasizing their detection and prosecution, is showing marked results in most key cities. This will effect no change in the bureau's policy of surveillance, it was said, but will increase its educational efforts to deter potential copyright violators.

An example of the changing exhibitor attitude is supplied by exchanges throughout the country which are continually reporting the receipt of wires from exhibitors seeking permission to hold over a picture and be charged for it. In this connection it was said that even wires for authorization to hold over a $2.50 comedy are not unusual, although the wire charge itself might approximate one-third the cost of the film. Such a procedure, two years ago, it was said, would have branded the exhibitor as a "chump." Today the changing attitude toward copyright violations establishes him as a reputable business man, Levin said.

Rumor Mae West May Go to 20th Century

(Continued from page 1)

her current and third picture for the former company, "It Ain't No Sin."

Paramount, however, declares it holds options on Miss West's future services.

HOLLYWOOD, Nov. 19.—Al Kaufman, Paramount studio executive, declares there is nothing to reports Mae West will switch production allegiances. He declares contractual obligations preclude any shift.

Poli to Take Over Circuit on Nov. 21

(Continued from page 1)

cover the taxes and running expenses on the 18 houses and three commercial properties.

Louis M. Sagal is slated to operate under Poli management with A. J. Vanni, nephew of Poli, continuing as general manager. Executive personnel of the circuit will remain as is.

Fox Revises 'Promenade'

HOLLYWOOD, Nov. 19.—Fox has put "Promenade Deck" back on schedule, the story having been on the shelf for the past year.

Douglas Doty has drawn the assignment to adapt.

OUT IN THE FIELD

The editor's desk cleared again, protected with ear muffs and cold country equipment, except the snow shoes, Red Kann is off on another foray into the field, where the motion picture business is. This time it is Milwaukee, Chicago, Detroit and in between points to see what he can see and to discover what makes the men who run the theatres happy or otherwise.

MOTION PICTURE
DAILY

Schenck Says Code Is Only "Temporary"

(Continued from page 1)

him—clause, Schenck proceeded to inquire: "Why should we submit to demoralization for something that has only a year and nine months more to go?"

Then, probably to forestall any misinterpretation of his code position, Schenck hastened to make clear that he spoke not as an altruist prepared to sacrifice himself for the downtrodden artist, but solely as a business man interested in a square deal for all. What's good for the actor is good for Schenck, was his implication.

"I am no more altruistic than any other producer," he declared, in the tone of a man who stood accused of some odious misdemeanor. "I don't believe in excessive salaries and don't want talent taken away from me," Schenck continued. "But if a player, a writer or a director wants to work for one company in preference to another, he should be given that opportunity."

Then he resumed his denunciation of Article 5 as a "very bad clause" which, he said, while it might offer some temporary relief to the producer, was "designed to coerce talent into accepting employment regardless of its own desires."

Regarding the clause provision calling for a fine up to $10,000 for a producer found guilty of paying excessive salaries, Schenck said he found it "un-American and unethical."

The producer is en route to Europe, to be gone about three months.

Cohen Predicting 4th Code Revision

HOLLYWOOD, Nov. 19.—That the code will undergo a fourth revision which will give independents a "better break," was predicted by Maury Cohen, head of Invincible Pictures, on his arrival here from New York today. Cohen was accompanied by George Batcheller, president of Chesterfield.

"Independent producers are still dissatisfied with the code as it now stands," Cohen said, "and are demanding that if a fourth revision is made, full consideration be given to the 68-page code analysis submitted to the NRA by the independents, and that particular attention be given to the recommendations made on double features."

Cohen said that the independents want a code provision specifically permitting double featuring.

"It is evident that a clause of this kind should be included in the code," he said, "as in the Chicago territory major distributors have a stipulation in their contracts that no second feature can be shown on the same program with the picture or pictures sold."

He said that the demand for duals is strong in several territories and is increasing in others, and specified St. Louis in the latter connection.

N. Y. Critics Unanimous in Raves over "Little Women"

New York critics, to the last man (or woman) went all the way in heaping encomiums on "Little Women", now having its world premiere at the Music Hall.

The occasion is somewhat unique in that all critical opinion is unanimous in its endorsement of the picture. Excerpts:

American—The favorite story of every girl has been brought most beautifull to the screen in the exquisitely tearful picture now presented at the Music Hall. * * *

It has that emotional appeal, that heart-throb quality commonly called hokum. It is unashamed in its sentimentality, in its frank bid for tears that are freely given in quantities to threaten a deluge. Personally, I wept quite unabashed. So did my neighbors. * * *

It is possible that with the passage of months the memory of Katharine Hepburn's portrayal of the sensitive, fiery Jo will be dimmed a bit, or somewhat superseded by later displays of histrionic genius. But at the moment, and for days, weeks, months to come, Miss Hepburn's characterization will stand alone on a pedestal of flaming brilliance.

Daily News—A tenderly beautiful moving picture has been devised by Radio Pictures from Louisa May Alcott's novel, "Little Women." A great deal of loving care has evidently gone into the making of it. * * * It is a gem that sparkles and glows in an old-fashioned setting.

A great deal of the sparkle and glow are produced by the superb acting of Katharine Hepburn as Jo.

Daily Mirror—The hundred million who have preserved their admiration for "Little Women" will cheer this reverent, sensitive and lovely film adaptation of the book. Women have not been offered such an emotional treat in many years. * * * You have Katharine Hepburn, as Jo, stealing the film as she stole the original story.

Evening Journal—As lovably real as they have seemed to the millions who have read "Little Women," Jo, Meg, Amy and Beth stepped out of the pages of Louisa May Alcott onto the screen * * * And yesterday's audience smiled wistfully and, much more often, wept softly as all the well-remembered figures came to life, bringing with them the sentimental charm of the '60's.

"Little Women" is a beautifully made picture. It was superbly cast, and Director George Cukor recreated the famous story with an almost lyrical tenderness.

Herald-Tribune—The unconquerable Miss Hepburn advances to new victories in the tender and curiously touching screen version of that presumably outmoded sentimental novel of New England in the '60s, "Little Women." * * * It turns out to be a very lovely and gently moving evocation of perished sweetness of spirit. * * * It is, of course, the mood which is the important part of the work, and it is the unashamed straightforwardness of the writing, the unpatronizing shrewdness of George Cukor's direction and, above all, Miss Hepburn's beautiful playing which make "Little Women" an exquisite screen drama.

Post—It is a tribute to those who shared in bringing it to the screen that there is no betrayal either of the spirit or feeling of the original. The gift of understanding has entered into the picture, which is equivalent to saying that beneath its surface fidelity there is the unmistakable fragrance of truth. * * *

The hoydenish Jo is capitally performed by Katharine Hepburn; Joan Bennett is excellent as Amy, as are Frances Dee and Jean Parker as Meg and Beth. Spring Byington catches the solicitous and careridden Mrs. March in a sensitive performance; Paul Lukas is convincing as the professor, and Edna May Oliver is properly terrifying as the crotchety Aunt March.

Also, George Cukor and the producers deserve praise for a production that has been carried out with taste as well as skill.

Sun—Indeed, I would classify the production of "Little Women" as a sure sign that the films had completely grown up visually in the matter of taste. There is no elaboration. There is no perceptible heightening of effect through exaggeration. All that modern lighting can do to a dream of a Victorian home is done here. The effect is one of untouched beauty. * * * Certainly it is American charm in its best sense, and in seeking to hand out credit for it, I should give most of it to George Cukor, the director, for presenting it warmly and endowing it with an intelligent spirit.

Times—As vital, sympathetic and full of the *Joie de vivre* as one could hope for, Jo, the Jo of "Little Women," is to be seen in the person of Katharine Hepburn * * * Amy, Beth, Meg and other characters step from the book to the screen and retell this story of the sixties. They may be but mere shadow images with voices, but they are a lovable group, and the picture gains much by the hoop skirts and other fashions of those days of yesteryear.

The easy-going fashion in which George Cukor, the director, has set forth the beguiling incidents in pictorial form is so welcome after the stereotyped tales with stuffed shirts.

World-Telegram — * * * Beautifully and tenderly directed for the talkies by George Cukor.

In other words, "Little Women" is at the Radio City Music Hall, and it is news that it is a stunningly clever job of recapturing on the screen all the simplicity and charm of the author. * * *

It is news, too, that the incomparable Katharine Hepburn plays Jo as the role has never been played before, that hers is an unforgettably brilliant performance and that once and for all she definitely proves how unlimited and effortless an actress she really is. It is further news that every supporting actor and actress in the cast gives a finely wrought characterization.

Allied Session Set For Seattle Dec. 5

SEATTLE, Nov. 19.—The annual convention of Allied Amusements of the Pacific Northwest will be held here Dec. 5.

Executive Secretary James M. Hone is now arranging the program and speakers for the gathering, which this year is expected to bring into Seattle a hundred or more exhibitors from all parts of this territory. The principal topic of discussion will be the code.

Zanuck Shifts System

HOLLYWOOD, Nov. 19.—Darryl Zanuck intends to make the remaining five features on this season's 20th Century schedule one at a time so that he can give them individual attention. This is a new departure for Zanuck, who has concenerated on mass production in the past. The five are: "The House of Rothschild," "The Love School," "The Great Barnum," "Gentlemen, the King" and "Sentenced."

Warners May Avoid Shutdown This Year

HOLLYWOOD, Nov. 19. — Warners will not close the studio this year, according to unofficial reports.

A series of executive meetings brought out the fact that the annual shut-down is not always an economy. Last year's vacation netted the company a loss of two weeks' releases. The execs. figure the money saved by the shutdown was insufficient to cover the expense of having to resort to outside product to fill their theatres.

With production running at a high peak through the coming months, studio heads have found that it would be next to impossible to edge in even a two-week layoff.

"Sorrell" Liked

LONDON, Nov. 19.—Trade show of "Sorrell and Son" with H. B. Warner got a fine reception. The picture will be released in the States by United Artists.

Stagger Plan In Effect Soon For Musicians

(Continued from page 1)

they cooperate with it in its campaign to stagger employment in musicians' ranks. The understanding is that the locals will bend every effort to put the proposal into operation "immediately."

The stagger system idea grew out of a series of conferences between Joseph N. Weber, head of the Federation, and representatives of national circuits, after it had been suggested by the National Recovery Administration through Sol. A. Rosenblatt, deputy administrator, that musicians and circuits get together in an endeavor to arrive at some means of ameliorating conditions among the idle in the profession.

Information was obtained at the Federation headquarters that picture houses, legitimate theatres and radio broadcasters had pledged their word they would throw all their weight and influence in the fight to get the stagger system working "right away."

Since the plan makes provision for a 25 per cent replacement of new musicians at current wages, its benefits will not begin to be felt on a wide-spread scale before the next three weeks.

The idea entails no extra expense to the theatre operator. It merely makes it possible for unemployed musicians to obtain partial work through the willingness of those who are employed to sacrifice part of their earnings for the good of the entire profession.

Publix-Saenger Deal Is About Set

(Continued from page 1)

already has been discussed with bondholders. Richards may be called upon to put up part of the financing required by the reorganized company which probably will retain the name of its founder as part of the new corporate title.

Blizzard Hard Blow To Cleveland Houses

CLEVELAND, Nov. 19.—A blizzard, accompanied by strong northwest winds and a drop in temperature to 15 above, ruined theatre business here last week. While there was some matinee business, evening audiences were conspicuous only by their absence. A 30 per cent drop in total average grosses was reported. The Allen, playing a second week of "Henry VIII" together, with "Three Little Pigs" and "Lullaby Land," and Loew's State, with "Bombshell," were the only houses that did any business at all.

Hunt Quits National

DETROIT, Nov. 19. — Herman H. Hunt, formerly branch manager for the National Theatre Supply Co. in St. Louis, has succeeded E. H. Forbes as manager of the Detroit branch. Forbes resigned to take up other duties.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 120 NEW YORK, TUESDAY, NOVEMBER 21, 1933 TEN CENTS

Report IATSE Putting Curb Upon Local Unions

President to Receive Code Next Friday

Johnson to Take Draft With Him on Trip

WASHINGTON, Nov. 20.—Scheduled to make an address in Atlanta Thursday evening, Recovery Administrator Hugh S. Johnson will leave here Thursday with a pocketful of codes, including the film code, and these will be laid before the President the following day at Warm Springs

While no official announcement was made that Johnson would go to Warm Springs in connection with his Atlanta speech, the two points are separated by only a few miles, and it was said at the Recovery Administration that

(*Continued on page 6*)

Ideas Are Sought On the Criterion

The answer to the Paramount Publix trustees' problem of what to do with the Broadway theatre block, 44th to 45th Sts., is being sought from architects who have been asked to submit suggestions either for remodeling the present structures on the plot or for a new building to be erected there.

The architects' suggestions are being solicited by Joseph P. Day and Peter Grimm, sales agents for the

(*Continued on page 6*)

March May Produce Or Get Schenck Pact

HOLLYWOOD, Nov. 20.—It is rumored that Fredric March will either produce his own pictures in the future, or go under contract to Joseph Schenck. March and Schenck are reported dickering now over a contract calling for a salary of $9,000 a week, with an option clause to be taken up one year later at a salary of $10,000 per week.

With March now on his way to New York, and with Schenck already there, the deal may soon be closed.

"Castle" Is Set in Next at Music Hall

"A Man's Castle" is scheduled to follow "Little Women" into the Music Hall. The latter, a Radio picture, is expected to gross around $110,000 for the first week and is slated to run 21 days before it bows

(*Continued on page 6*)

Promise of Light on Code Excites MPTO of Wisconsin

MILWAUKEE, Nov. 20.—Uncertainty over the code and the delay encountered in its enactment have Wisconsin exhibitors upset. Battered from one opinion to another by each succeeding day's developments out of Washington and dependent almost entirely upon trade paper accounts of the erratic course of the code, members of the M. P. T. O. of Wisconsin are looking forward eagerly to the scheduled address of Sol A. Rosenblatt at their annual convention.

Exhibitors are hopeful the deputy will submit to questions in order to clear up the maze in their minds. They are at sea because of the many statements issued by Allied in the last few weeks. They are confused over

(*Continued on page 6*)

J. M. Schenck On His Way to Warm Springs

Joseph M. Schenck, head of United Artists and of 20th Century Pictures, left New York at noon yesterday for Warm Springs, Ga., where he is expected to confer on code subjects with President Roosevelt tomorrow or Thursday. Whether he was invited to see the President or is seeking an audience has not been learned.

Schenck arrived in New York from the coast Sunday with a spirited denunciation of Article 5, the code provision covering talent "raids." It is assumed that if Schenck discusses the code with the President, it will be on the subject of Article 5 and the code provision which makes film executives found guilty of paying "unreasonably excessive salaries" liable to a fine of $10,000. It was his antipathy to these

(*Continued on page 6*)

Hollywood Studios Busy; 46 in Work

HOLLYWOOD, Nov. 20.—Hollywood production activity for the week ending Nov. 18 showed slight increase over the preceding week with a total of 46 features in work, 24 in final stages of preparation and 52 in the cutting rooms. The short subject group showed 17 in work, eight in

(*Continued on page 6*)

Frisco Goes Into Throes Of Rate War

SAN FRANCISCO, Nov. 20.—The first charge of the theatre brigade in the low price versus high price war has rocked San Francisco within the last few days. Major developments of the battle have seen three houses doing a complete turnabout in policy, and one dropping from the high price to the low price section.

The Golden Gate, long a top-charger with features and vaudeville, has announced a top price of 40 cents at all times. The previous price was 55 cents. This now leaves the Paramount and Warfield the only ones over four bits. Both are asking 65 cents.

The Orpheum with F. & M. stage units and first runs, now reverts to F. W. C. where first run double bills

(*Continued on page 8*)

Four Los Angeles Houses Drop Shows

LOS ANGELES, Nov. 20.—Because of a general falling off of business attributed to legalized beer, the Paramount, Loew's State and United Artists are eliminating vaudeville and presentations, and will go to a straight sound policy Thursday.

This leaves Warners, Pantages, Million Dollar and Orpheum as the only houses retaining stage shows.

Move Said to Be Backed By A. F. of L. to End Theatre Violence

A check on the authority of local business agents and extension of the power of the executive committee of the I. A. T. S. E. to bring it into direct contact with hundreds of operators' unions throughout the nation is under way, MOTION PICTURE DAILY learns

The move is understood to have been precipitated at the insistence of the American Federation of Labor and is declared to tie in with a determined intention of curbing violence in theatres, usually blamed on unions by theatre men through the ordinary methods of hurling stink or more persuasive sort of bombs. It is understood that A. F. of L. has been disturbed over the light in which constantly recurring charges of theatre bombing has placed labor, not particularly theatre labor, but all labor.

The Federation is declared to feel that the issue, brought to the attention of Deputy NRA Administrator Sol A. Rosenblatt at the code hearings in Washington by Robert Wilby, well known southeastern exhibitor, and to the office of the Attorney General since then, is one that calls for

(*Continued on page 8*)

Federal Board Out of Labor Row

WASHINGTON, Nov. 20.—Indicating that it felt that Pat Casey's disclaimer of any effort on the part of producers to control the organization activities of studio labor was adequate, the National Labor Board has decided to do nothing further with complaints received last week that producers were directing their men to join unions not of their own selection. The question of union control, it was pointed out, is a jurisdictional dispute for settlement by the American Federation of Labor.

Cohen Asks Workers To Ignore "Rumors"

HOLLYWOOD, Nov. 20.—Emanuel Cohen has appealed to all employes through personal letters attached to their salary checks for cooperation, asserting that the reorganization of Paramount was proceeding "satisfactorily" and that he was "looking for-

(*Continued on page 6*)

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NRA U.S. WE DO OUR PART

May Get Burlesque

Negotiations are under way by Walter Reade to revert the Mayfair Theatre to burlesque, its original policy. Reade stated that he expected to complete negotiations within two weeks, but if the deal is not consummated, the present policy will be continued.

Anthony Muto Married

Anthony Muto, one of the MPPDA representatives in Washington, and Irene Crisp, secretary of the Washington Film Board of Trade, were married Sunday. The wedding took place in the capital.

Cambria to Capitol

Frank Cambria, formerly in charge of stage productions at the Paramount and the 7th Ave. Roxy, has been signed by the Capitol as a producer with Arthur Knorr.

Zanuck to Lift Total

HOLLYWOOD, Nov. 20.—Darryl Zanuck is planning to increase the 20th Century list from 12 to 15 for this year. Five have been completed.

Looking 'Em Over

"Midnight"

(*Universal*)

Genuinely dramatic, with no comedy overtones except those contributed by Lynn Overman, "Midnight" is serious and gripping entertainment, very well handled through the cleverness in direction which is Chester Erskin's. He is a stage producer who has made a sort of specialty of macabre themes and, in this instance, follows along the lines already set by himself.

"Midnight" signifies the hour at which Helen Flint, condemned to death by electrocution for shooting the lover she thought was leaving her, is to pay the penalty. While she motivates the entire drama, actually she has little to do in it. The story fabric is woven around the effects which the impending execution has on O. P. Heggie, foreman of the jury whose single question at the trial resulted in a verdict of guilt, and his family—wife, two daughters and son-in-law.

Sidney Fox, the younger daughter whose sympathies go entirely toward the murderess, finds herself embroiled in a situation which virtually parallels the circumstances surrounding the original murder. Because Heggie's leading question brought conviction and aided the district attorney's political fortunes thereby, the D. A., when called in on the lover presumably killed at Miss Fox's hands, attempts to pass it off as a hallucination on the girl's part. As a matter of fact, the treatment is so adroit the actual finger that pulls the telltale trigger is not only never seen, but never identified.

"Midnight" jockeys back and forth between heavy drama and psychological drama, with a leaning toward the latter. Its chief purpose is to demonstrate how strong and weak characters react to severe nervous and emotional strain and does it very well.

Erskin made the picture in New York with an array of legitimate stage players, including Henry Hull, Margaret Wycherly, Moffat Johnson and Humphrey Bogart. They are all highly competent. Miss Fox, only picture name, is surprisingly good in the lead.

KANN

Horn for President

Robert W. Horn of the home office sales staff of Erpi is a candidate for the presidency of the Erpi Club, along with G. H. Woodward, nominee for secretary-treasurer, and G. A. Kniewel and Mary McAndrews, candidates for first and second vice-president, respectively.

Grainger, Clark in Cincy

CINCINNATI, Nov. 20.—James R. Grainger, vice-president and general sales manager of Universal, was in town late last week, as was also John D. Clark, Fox general sales manager, who was accompanied by Herman Wobber of the Fox executive staff.

Paramount Men Return

WHITE SULPHUR SPRINGS, W. Va., Nov. 20.—Paramount sales executives meeting here for a special three-day confab returned to their respective headquarters tonight.

Jolson to Quit, He Says

HOLLYWOOD, Nov. 20.—Al Jolson says "Wonder Bar" will be his last picture. He intends to confine himself to stage and radio work from now on, he says.

Globe "Bombed" Again

The third stench bomb explosion in a month took place in the Globe yesterday. The house was crowded at the time, but no one was injured. Police are investigating.

Most Issues Show Gain

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26⅞	24¾	26	+2¼	1,000
Consolidated Film Industries	3¼	3⅛	3⅛	+ ⅛	300
Consolidated Film Industries, pfd	10	9¾	10	+ ⅜	200
Eastman Kodak	76	73¾	76	+2½	1,200
Eastman Kodak, pfd	125	125	125	—1	2,000
Fox Film "A"	14	14	14	— ¼	100
Loew's, Inc.	31⅞	30⅝	31⅝	+1¾	1,100
Loew's, Inc., pfd	68	68	68	+2	100
Paramount Publix	1¾	1⅝	1¾	+ ⅛	100
Pathe Exchange	1⅞	1⅝	1⅞	+ ¼	8,100
Pathe Exchange "A"	11	9¼	11	+1⅝	9,100
RKO	2¾	2⅜	2¾	+ ⅛	200
Warner Bros.	6¾	6½	6¾	+ ¼	1,700

Curb Market Inactive

	High	Low	Close	Net Change	Sales
Technicolor	11	10⅞	11	+ ⅞	200

Para. Publix Bonds Off 2¼

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3⅞	3⅞	3⅞	— ⅛	2
Keith B. F. 6s '46	45	45	45	.....	5
Paramount Broadway 5½s '51	29	29	29	.....	1
Paramount Publix 5½s '50	23½	23½	23½	—2¼	5
Pathe 7s '37, ww	85	85	85	.....	2
Warner Bros. 6s '39, wd	40⅜	39½	40	+1¾	71

Argument on Assets Of Fox-Wisconsin Up

MILWAUKEE, Nov. 20.—Order to show cause why the assets of the Fox-Wisconsin Co. and Wisconsin Amusement Enterprises, Inc., should not be considered as assets of the bankrupt Statewide Theatres, Inc., has been reviewed in bankruptcy court here before Referee Milton J. Knoblock.

Attorney for the bankrupt maintained that if the two corporations sought to defraud creditors by reincorporation, as charged by the trustee, the creditors defrauded would have been those of Midwesco, Inc., rather than Statewide, and that the court does not have the jurisdiction to proceed in a summary action.

Attorneys for the trustee and contesting creditors held that the bankrupt entered into a scheme to defeat creditors and that the court has jurisdiction to proceed in the case rather than resort to plenary action as contended by attorney for the bankrupt.

Approve Midwesco Deals

MILWAUKEE, Nov. 20.—A settlement of 25 per cent on claims totaling $46,327 by RKO, Paramount and Columbia against the bankrupt Midwesco Theatres, Inc., for film contracted for and unplayed has been approved by F. C. Westfahl, Jr., referee in bankruptcy.

Execs En Route Here

Sidney R. Kent, Mark Ostrer, chairman of Gaumont-British; Walter Hutchinson, managing director of Fox in Great Britain; Jerome Jackson, independent producer of Westminster Films, and Hartley Power, actor, are all on board the *Berengaria* bound for New York.

'Women' Sets New Record

Radio City Music Hall claims that, during the first four days of the showing of "Little Women," over 100,000 paid admissions were accepted. The receipts of this time equalled those of an entire average week.

Run Phila. Houses Here

Warner's Philadelphia houses will be operated in the future under the direct supervision of the New York office, according to Joseph Bernhard, general manager. The present Philadelphia office in the Earle Theatre Building will be continued as heretofore with Leonard Schlesinger in charge of all local matters.

National Screen Expands

National Screen Service is increasing its space at 630 Ninth Ave., having taken over a part of the 10th floor. National now occupies the entire second and 14th floors.

Robbins in Minneapolis

Herman Robbins, president of National Screen Service, is in Minneapolis on a short business trip. He expects to visit two more cities before returning to New York.

Laemmle on Way East

Carl Laemmle, Sam Briskin, George Brown and Gregory Ratoff arrive tomorrow from the coast.

"TAKE OFF YOUR WHISKERS!"

RUSSIA *is* RECOGNIZED!

And of course the smart showman is bringing his program up-to-the-minute with the authentic subjects:

MOSCOW, THE HEART OF SOVIET RUSSIA

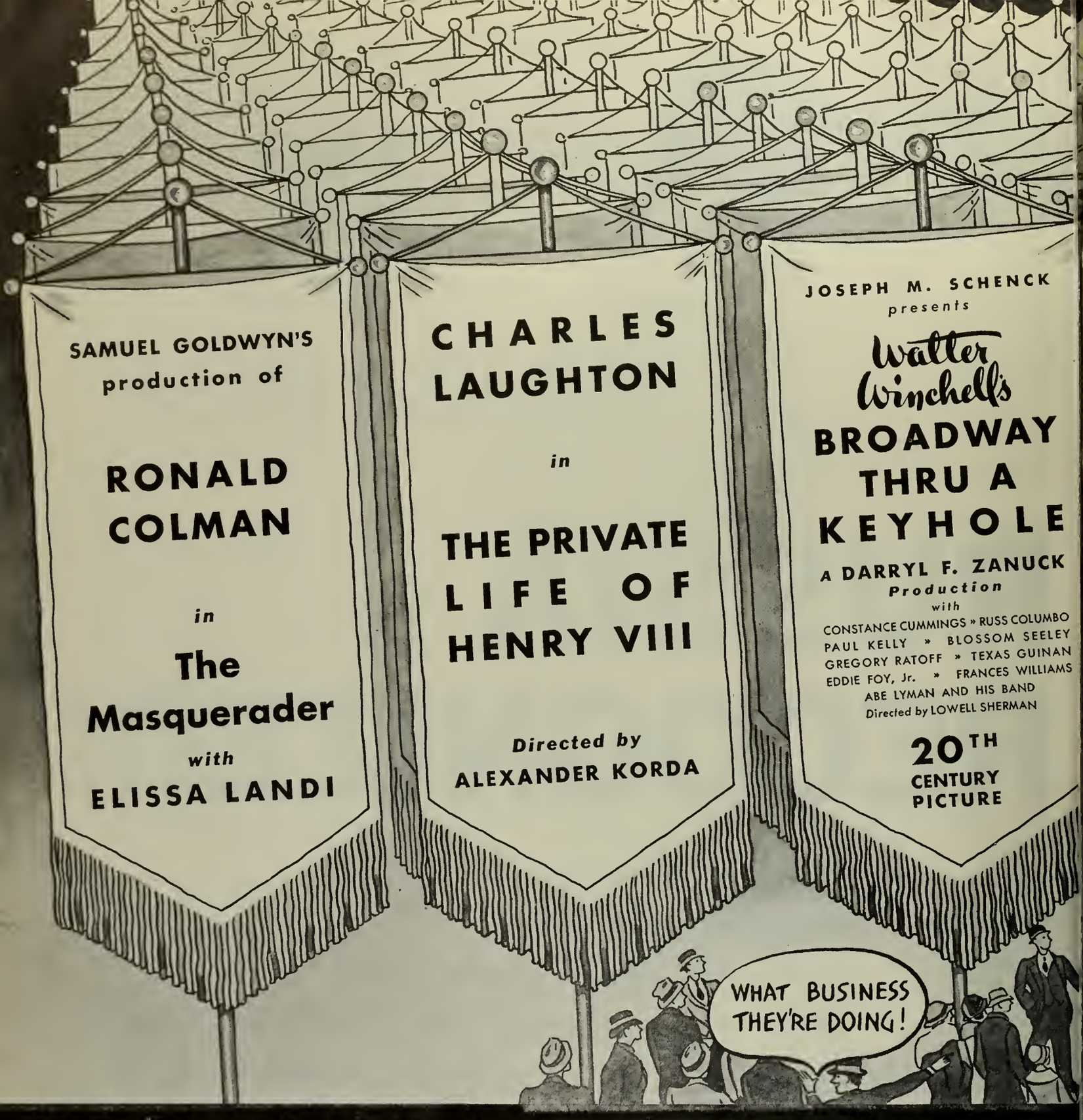
LENINGRAD, GATEWAY TO SOVIET RUSSIA

One Reel Each! Inside Stuff! Positively the real McCoysky!

"He doesn't make just scenics! He puts ideas into them."

FITZPATRICK TRAVELTALKS

Metro-Goldwyn-Mayer Class!



IT'S A BANNER YEAR

for thousands of theatres
now playing these smash hits

Released thru UNITED ARTISTS

J. M. Schenck On His Way to Warm Springs

(Continued from page 1)

provisions which prompted Schenck to tender his resignation from the M. P. Producers' Ass'n., the Hays Hollywood unit, several weeks ago.

Eddie Cantor, comedian, who also holds anti-code views similar to Schenck's, and who has been reported ready to air them to President Roosevelt when the two meet in Warm Springs later this week, denied yesterday that his impending visit with the President was for the purpose of making an "official protest on the code."

"My invitation to see the President," Cantor said, "is an informal and social one, primarily for the purpose of exchanging laughs, as we have done on other occasions. It is not for the purpose of making any official protest on the code and not especially for taking it up as a subject for discussion."

Cantor will leave here for Washington this morning, where he will meet Marvin McIntyre, one of the secretaries to President Roosevelt, who will accompany the comedian to Warm Springs. The two are scheduled to leave Washington some time this afternoon.

Schenck stated on his arrival in New York, as reported in MOTION PICTURE DAILY yesterday, that he did not believe the code would be the subject of conversations between Cantor and the President, "as it is the President's policy not to discuss the code until it has been submitted to him and signed," Schenck explained.

In spite of this view, Schenck himself is southbound today patently for the purpose of discussing his code objections with the President.

United Artists' officials yesterday refused to divulge Schenck's destination, admitting, however, that he was out of the city. At Schenck's New York apartment it was said that he had "left for the South." Confirmation that his destination was Warm Springs came from sources close to the film executive.

In a MOTION PICTURE DAILY interview with Schenck, published yesterday, the United Artists head characterized the NRA code as a "temporary measure," and said of Article 5 that it was "likely to disorganize production and demoralize the industry."

"Why should we submit to demoralization for something that has only a year and nine months more to go?" he asked.

The code provision fixing a fine for payment of excessive salaries, Schenck found "un-American and unethical."

Cohen Asks Workers To Ignore "Rumors"

(Continued from page 1)

ward to its complete re-establishment on a very sound and healthful basis in the near future."

"I ask your concentration on a maximum effort to that end and that in giving this cooperation you disregard all gossip and published rumors which are untrue and deliberately malicious," continued the message.

Promise of Light on Code Excites MPTO of Wisconsin

(Continued from page 1)

the change in front assumed by General Hugh S. Johnson, who had openly approved the code prior to his midwestern trip, only to express dissatisfaction upon his return to Washington late last week.

"What is it all about, anyway?" is what Wisconsin theatremen about to go into their first state convention in 17 months are asking.

While Milwaukee eliminated double features by agreement five months ago and all exhibitors are abiding except three or four small neighborhood houses, there seems to be a desire to attempt their elimination on a statewide basis. So far as they know, the code in its present form continues to make no mention of doubles and the resulting opinion is this trade practice therefore becomes something for the proposed local grievance boards to settle. Holdouts on the dual ban take the attitude nothing can be done about it, but responsible M. P. T. O. opinion maintains the code does or should provide for settlement by either specifically setting up machinery through elimination by a majority exhibitor vote or designating the grievance board as the means of settlement.

While nobody is particularly disturbed over this situation the reaction is reforms of this and other kinds planned by the M. P. T. O. are held up by the code's delay. In the minds of some M. P. T. O. leaders in this territory is the plan to seek enactment of a state fair trade practice law if the NRA code is to continue as a phantom. They've heard there is to be an industry-wide code, but when, how and what are questions for which answers are sought avidly. Rosenblatt therefore will be the center of attraction at the two-day convention here. He is expected with Mrs. Rosenblatt sometime Tuesday.

Kuykendall on Hand

Ed Kuykendall arrived tonight. Barney Balaban is due from Chicago Tuesday for the purpose of hearing Rosenblatt. David Palfreyman, theatre contact for the Hays association, and Jack Miller, head of the Chicago Exhibitors Ass'n, are other outsiders due Tuesday.

Preliminaries got going tonight when the board of directors met at a dinner at the Hotel Schroeder to further plans for the session. Kuykendall was among those present.

Fred S. Meyer, who is tired of an organization wherein inactive members benefit from the initiative of the active group, tonight went on record for a cut in the 150 members, representing 225 theatres, now enrolled, to half if elimination of that amount of deadwood became necessary. A surprise, therefore, may be in store for the organization drones.

Present were W. L. Ainsworth, Fond du Lac; A. C. Berkholtz, West Bend; H. C. Buchanan, Superior; H. S. Gallup, Marquette; George Huebner, Oconomowoc; Frank Koppelberger, La Crosse; Max Krofta, Racine; Martin Thomas, Iron Mountain; L. F. Thurwachter, Waukesha, and the following from Milwaukee: Earl and George Fischer, H. J. Fitzgerald, J. S. Grauman, A. C. Gutenberg, E. Langemack, Paul Langhe, I. Urich, Jr., Meyer and D. E. Weshner.

After entertaining Charles Trampe and Ben Koenig, president and secretary, respectively, of the local film board, the directors went into a private session at which Meyer's plan for reorganization was broached. The real work of the convention is to be handled by legislative finance grievance committees.

Tonight City Hall was illuminated with a sign welcoming the conventioneers.

Many Listed to Speak

The program is entirely set.

Speakers in addition to Rosenblatt will be Kuykendall, head of the M. P. T. O. A., M. A. Lightman and Dr. E. A. Fitzpatrick, I. V. Maier, advertising manager, *Milwaukee Journal,* who will discuss clean advertising; L. S. McMeekin, sales manager of a Milwaukee department store, who will speak on the relation between the theatre and the merchant; Mrs. James Buckland, representing the Wisconsin Federation of Women's Clubs; Mrs. Paul Griswold, Milwaukee Better Films Council; Charles E. Broughton, editor, *Sheboygan Press,* who will speak on the theatre and the press; Rev. Thomas Riley, S.J., Marquette University, "Motion Pictures, an Opportunity and a Responsibility."

Speakers scheduled for the banquet on Tuesday night are Meyer, F. Ryan Duffy, U. S. Senator from Wisconsin, and Gov. A. G. Schmedeman.

On Wednesday elections will be held and the meeting closes with a banquet. Meyer is not anxious for re-election, having served two years with the Milwaukee Theatre Managers' Ass'n before merging with the state unit and one year as state president. Here is Adrian Rosen, Detroit attorney and spokesman for the motor city exhibitor group, which proposes a unit to block Allied there. He says he is here to see how the M. P. T. O. organization functions. Felix Feist of M-G-M was scheduled but wired his wife's illness prohibited. R. H. Cochrane wrote he would be unable to attend.

Two Groups Trying To Organize Extras

HOLLYWOOD, Nov. 20.—Two factions of extras are trying to organize guilds. Each is accusing the other of coercion in promising protection and jobs to extras if they join up. David Allen issued a statement in behalf of the Central Casting Bureau in which it was asserted that it was remaining neutral in the fight, as it could not see any benefit in any extra organization. The battle for membership is between the M. P. Supporting and Extra Players Ass'n and the Hollywood Picture Players Ass'n.

Silver to Meet Weshner

MILWAUKEE, Nov. 20.—Moe Silver, western theatre division manager for Warners, is due here Wednesday to spend the rest of the week conferring with David Weshner, local Warner zone manager.

President to Receive Code Next Friday

(Continued from page 1)

nearly a score of codes are ready for final approval.

So far as could be learned today, the film code remained in a comatose state over the week-end, and expectations that it will be among those taken south are based on the General's statement last Friday that something must be done with the code within a week. As yet, however, apparently no action has been taken to straighten out any problems still regarded as unsettled in the latest draft, and no intimation has been given of the identity of the provisions with which Johnson is not satisfied.

Hollywood Studios Busy; 46 in Work

(Continued from page 1)

preparation and 18 in the cutting rooms.

A breakdown of the above totals for features lists M-G-M with seven working, two preparing and four in the cutting rooms; Fox, four, two and seven; Paramount, five, four and three; United Artists, one, one and five; Universal, five, zero and five; Columbia, four, one and two; Warners, six, four and 12; Radio, three, four and seven, while the independent group of feature producers lists 11, six and seven.

Short subjects in work during the week included Roach, Universal and Columbia with one each and Radio, two.

Ideas Are Sought On the Criterion

(Continued from page 1)

property, who have asked that they be submitted prior to Dec. 15.

The property, which includes the Criterion and Loew's New York, is held by Seneca Holding Corp., a Paramount Publix subsidiary. Trustees of the latter have endeavored to sell the property, without success thus far. On Nov. 15 a three months' time extension to avoid foreclosure expired with no procedure having yet been submitted by the trustees for approval of the Federal Court.

"Castle" Is Set in Next at Music Hall

(Continued from page 1)

out for the Columbia film. "Only Yesterday" netted $75,069 at the house last week.

"The Mad Game" at the 7th Ave. Roxy grossed $19,000; "College Coach" at the Strand, $9,788; "After Tonight" and "Ace of Aces," at the RKO Roxy, $10,827; "Ace of Aces" at the Palace, $13,150; "Sweetheart of Sigma Chi" at the Mayfair, $11,000; "The World Changes" at the Hollywood, $10,603; "Eat 'Em Alive" at the Cameo, $4,795.

Dinner-Dance

OF THE

Universal Club

(UNIVERSAL PICTURES CORPORATION)

GRAND BALL ROOM •
WALDORF ASTORIA HOTEL

Saturday Evening, Nov. 25, 1933

DINNER AT 7:30 — ENTERTAINMENT
AND DANCING FROM THEN ON
—MAKE YOUR RESERVATION NOW—
CALL UNIVERSAL CLUB, CIRCLE 7-7100

Tickets - - $7.50 per Person

Report IATSE As Curbing Local Unions

(Continued from page 1)

prompt action. The angle is that there can be no tampering with accusations that embrace elements involving the safety of women and children, as alleged so often and emphasized again last week with the startling conditions brought to light in Kansas City.

The Jackson County Grand Jury there reported it had found it necessary to hold hearings and call witnesses at secret places because of the latters' fear of intimidation and violence. The I. A. T. S. E. union there denied most of the charges and accused the independent operators' union of fomenting the violence. The matter has assumed such general proportions that it has become a political issue.

In high A. F. of L. circles it is understood the impression was fixed that much of the difficulty, real or fanciful as the facts may prove, was traceable to business agents who, in many unions and in many cities, operate under wide, almost dictatorial powers, whether properly accredited to them or not.

By either stripping or reducing the influence of the business agent and adding to the I. A. executive committee's shoulders what is so removed from the province of the former, the disposal of charges of violence can be handled through a more responsible body of men, it is understood the decision has been.

The local autonomy phases of the I. A. T. S. E. organization always have been jealously guarded by business agents. What their reaction to the new setup will be is unknown, but fireworks are not improbable.

In the meantime, the official I. A. attitude on the shift is one of complete denial. This is echoed in Washington, where labor officials deny the Federation had insisted or will insist that the power of local business agents must be curtailed. Local autonomy will continue without abatement, it was stated.

Wehrenberg Favors "Family Night" Ads

ST. LOUIS, Nov. 20.—Theatre owners should 24-sheet their "Family Night" shows, declared Fred Wehrenberg, president of the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois, in an address before the Better Films Council.

"I never fail to 24-sheet my 'Family Night shows," Wehrenberg said. "My returns at the box-offices have convinced me of the wisdom of taking the fullest advantage of the cooperation of the Better Films Council. I wish every other exhibitor was wise enough to realize that he should get behind the efforts of women to help him toward business."

The Better Films Council here has been accepted as a model of its kind. It objects when it finds a picture objectional from a family standpoint, but it does not hesitate, on the other hand, by radio broadcast, special bulletins and otherwise on pictures it approves.

"Invisible Man" Pulls $26,000 Over Week-End

With "Invisible Man" grossing $26,000 for the first three days at the 7th Ave. Roxy, Howard S. Cullman anticipates a $40,000 week, which would break the record for the last three and a half years. Only four other pictures have played to more business on week-ends. They are "The Cock-Eyed World," "Happy Days," "Four Sons," and "High Society Blues." The 55 cents admission for Saturdays, Sundays and holidays has been increased 10 cents.

Because business at the house held up tremendously yesterday, the Universal picture is being held for a second week. It is one of the few pictures in recent years to receive unanimous praise by newspaper critics. A boildown of the New York reviews follows:

Times— . . . Photographic magic abounds. . . . The story makes such superb cinematic material that one wonders that Hollywood did not film it sooner. Now that it has been done, it is a remarkable achievement. . . .

Herald-Tribune—Of all that lengthy series of horror films in which vampires, homicidal robots, revived mummies, mad scientists and Lionel Atwill have frolicked murderously across the eerie screen, one of the most ingenious and successful is "The Invisible Man." . . .

World-Telegram—One of those "drop everything; it simply must be seen at once" horror films has arrived in town. . . . As pure, unadulterated entertainment it is one of the best of the recent films. . . For sizzling excitement "The Invisible Man" is made-to-your-order entertainment.

Evening Journal—"The Invisible Man" is grand entertainment. It is at the same time intensely frightening and bugely amusing. Blessed with the most imaginative idea yet captured by a screen mystery melodrama, the picture has been directed with such skill by James Whale that an utterly fantastic and incredible story is made to seem appallingly and thrillingly real.

Daily Mirror—This chilling, thrilling fantasy is real entertainment. Excellently directed by James Whale, skillfully played by a great cast, it introduces one of the screen's most remarkable acquisitions from the stage. He is Claude Rains, who plays the title role and gives a magnificent, terrifying and touching performance merely with his voice. Unseen until the very fade-out, he dominates the film completely.

Daily News— . . .The like of "The Invisible Man" . . . has never appeared, or rather been done, on the screen before. . . . H. G. Wells' fantastic tale is cleverly transferred to the screen by means of trick photography. . . .

. . . . I heartily recommend a visit to the old Roxy, for this is an unusual type of picture that should not be missed. It probably will open up the way to other more imaginative stories on the screen.

American—Creepier than "Frankenstein," dreadful-er than "Dracula," here's another skeery one from Universal to haunt your dreams and make your hair staid straight on end. A chiller-thriller through and through, tense and terrifying and excellent entertainment for those who can "take it." . . . The picture is superbly made.

Evening Post.—The imaginative speculations of H. G. Wells lend themselves, in the case of "The Invisible Man," admirably to the motion picture medium with the result that the picture emerges as a wholly distinguished thriller.

. . . the success of the picture is due as much to the intelligence with which R. C. Sherriffff has adapted the story to the screen and the quality of awesomeness and suspense which James Whale, in his direction, has managed to inject in it.

Rift Widens Among Exhibitors in Ohio

COLUMBUS, Nov. 20.—With a rift in the Ohio theatre ranks, caused by the launching of the Independent M. P. Exhibitors' Ass'n last week, both factions are inclined to criticize each other, especially as to actual or contemplated tactics to be employed in the tax repeal fight, which will be carried to the legislature when it reconvenes in January.

During the formulative stages of the new organization there appeared a desire on the part of the M.P.T.O. of Ohio, both expressed and implied, for a merger of the two organizations for the benefit of combined strength, financially and numerically on the tax as well as future legislation problems, rather than a divided effort to attain the same objectives. The independents, however, made it plain that such affiliation would not be considered under any circumstances, and that the organization would function on its own.

Shifts in Detroit Theatre Setup Made

DETROIT, Nov. 20. — Several changes in theatre management have taken place. Gus Coplan has disposed of the lease on the Colony and has leased the Columbia, downtown third run. It has been closed for some time.

Ben and Lou Cohen have taken over the Norwood, which they will reopen within the next three weeks, after installing W. E. wide-range sound and new seats.

Arthur D. Baehr is out as manager of the Plaza, which will be run now by Julius Fisher.

Frisco Goes Into Throes Of Rate War

(Continued from page 1)

at 25 cents will be shown. The St. Francis, another F. W. C. spot, which had been showing twin bills, goes to second run double bills at 30 cents. And the Fox, leader in the low price war, with eight acts of vaudeville, orchestra and two first run independent pictures, all at 25 cents, with 15-cent matinees. The El Capitan, leading neighborhood, has dropped from 40 cents to 30 cents top.

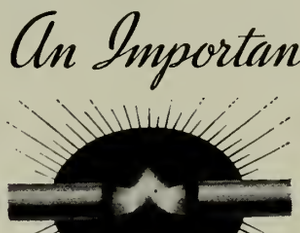
Despite these changes, there is no sign that the "war" is over. New changes are expected shortly, and it appears that either the low chargers will have to drop out, or the top-chargers will have to drop down.

Overseated Seattle Slashes Its Scales

SEATTLE, Nov. 20.—Keen competition for first run business in a decidedly overseated situation has resulted in four local first runs reducing prices. Evergreen State's Fifth Avenue and Paramount and John Hamrick's Blue Mouse and Music Box have just inaugurated a scale of 25 cents from opening until 6 P. M., a drop of five cents. All houses except the Fifth Avenue have reduced evening prices from 40 cents to 35 cents.

Next week, the Metropolitan will abandon Mischa Guterson's stage "prologues" and will reduce matinee prices from 30 cents to 25 cents.

An Important Announcement



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VOL. 34. NO. 121 NEW YORK, WEDNESDAY, NOVEMBER 22, 1933 TEN CENTS

Senate Delves Into Struggle For Fox Film

Paper Profits of $4,000,000 Told by Witness

WASHINGTON, Nov. 21.—Events leading up to the transfer of control of Fox Film and Fox Theatres to General Theatres Equipment were reviewed yesterday by the Senate stock market investigators. The witness, Murray Dodge, former vice-president of the Chase Securities Corp., said the bankers made paper profits of $4,000,000.

The story will be continued Thursday by its chief actor, William Fox, who has been subpoenaed by the committee.

Most of the story is familiar to film men. Its highlights were that Fox became over-extended as a result of the purchase of the Loew stock and a heavy interest in Gaumont British. Through two loans of $15,000,000 and $27,000,000 and the is-

(Continued on page 8)

St. Louis Threats Stir Up No Action

ST. LOUIS, Nov. 21.—Ultimatums have had no effect in the local price war so far. Charles Evans, Loew's States manager, has threatened to drop to 25 cents and the neighborhoods have predicted a 10-cent top as a result of the elaborate stage shows and dual bills which F. & M. are putting

(Continued on page 8)

Price War Develops In California Spots

REDWOOD CITY, Cal., Nov. 21.—Friction between the Redwood, independent, and the Sequoia, Fox, has broken out into open advertising warfare, which may spread to the entire northern division of the state where Fox theatres compete with small city independents.

The warfare is over admission prices. The first gun was fired by the

(Continued on page 11)

No Return of Shows Looked for in N. O.

NEW ORLEANS, Nov. 21.—A survey of downtown and neighborhood houses shows that vaudeville, musicians and stagehands will not come back this season. Previous to the walkout of

(Continued on page 11)

Fans Hit Buffalo

Buffalo, Nov. 21.—That fan dance craze hit this town so hard Vincent R. McFaul, manager of Shea's Buffalo, had to fix up a "mamas'" room to keep a flock of watchful parents from cluttering up the stage.

McFaul figured one fan dancer wouldn't be enough for this town, so had a stage full. Police Captain Edward A. Thierfeldt demanded some clothes, but when the lights were switched from pink to blue he withdrew the demand.

Baltimoreans See Benefits From Repeal

BALTIMORE, Nov. 21. — Opinion seems to be unanimous here that repeal will benefit box-offices.

Meyer Leventhal, managing director of the Philip J. Scheck Enterprises, thinks repeal is the best thing that ever happened to this country even though he is not a drinking man. People may have a tendency to splurge at first, but within 60 days this will die out, he says. He was emphatic in his opinion that re-employment will follow repeal and that it will put more people to work and that's what counts.

"You'll find," he says, "the generation of today will not jump at the chance to get and drink liquor. I have observed in restaurants that 90

(Continued on page 8)

Hertz to Go Back Upon Stand Today

John Hertz, former chairman of the Paramount Publix finance committee, is scheduled to resume his testimony concerning his part in the financial affairs of the company during the 14 months immediately preceding its bankruptcy, when an adjourned first

(Continued on page 8)

Day and Date Runs Out of Pittsburgh

PITTSBURGH, Nov. 21.—After a month under a day-and-date policy, the Warner, downtown, and the Sheridan Square, in East Liberty, will both go back on their own this week. The Warner sticks to first runs while

(Continued on page 8)

Johnson Says Code Now as He Wants It

Attorney General Rules On Penalty Clause

WASHINGTON, Nov. 21.—Admitting that he would take the film code to Warm Springs this week, as announced yesterday in MOTION PICTURE DAILY, Recovery Administrator Hugh S. Johnson today declared the document now to be "in the form that I'm willing to recommend it."

Although General Johnson refused to discuss changes which may have been made in the code since it was reported to him by Deputy NRA Administrator Sol A. Rosenblatt, it was definitely learned tonight that there have been no material changes and that it is in substantially the same form as he received it.

It was also learned that the Department of Justice was not asked to render an opinion on the legality of

(Continued on page 11)

President Confers With J. M. Schenck

WARM SPRINGS, Ga., Nov. 21—Joseph M. Schenck, president of United Artists, arrived here this morning and paid a personal call on President Roosevelt.

Schenck had expressed a desire to see the President before he left Washington, but as the Chief Executive was pressed for time no conference could be arranged. He came here with the understanding that the code was not to be discussed, because it is the policy of the President not to engage in such conversations while negotiations are being carried on between General Hugh S. Johnson, recovery adminis-

(Continued on page 11)

No NRA Charge Yet, Independents State

No notification to appear before the NRA compliance board here to answer charges of alleged infractions of the President's re-employment agreement has been received by independent exhibitors up to last night, according to Tom Murray, executive secretary of the M. P. Theatre Industry of the Metropolitan Division.

Newspaper reports yesterday quoted Grover A. Whalen, local NRA administrator, as stating that numerous independents would be instructed to appear before the compliance board

(Continued on page 11)

Kuykendall Tells Danger Of Wrangling

May Mean Only a Labor Code, He Declares

By RED KANN

MILWAUKEE, Nov. 21.—Ed Kuykendall today warned approximately 70 Wisconsin exhibitors that unless the industry got together and eliminated wrangling it would have a labor code only and no benefits in the way of fair trade practices.

"We are getting fair trade practices in return for what we propose giving labor," he said.

This was one highlight of the opening day of the annual convention of the M.P.T.O. of Wisconsin and Upper Michigan. The M.P.T.O.A. president's warning came near the conclusion of a lengthy speech in which he highlighted the code deliberations at Washington. He cited as victories the 10 per cent cancellation clause and designated playdates. He told of

(Continued on page 5)

Code May Not Fill All Needs - Kann

MILWAUKEE, Nov. 21.—Warning the proposed code will not embody everything exhibitors may think they should have, Red- Kann, editor of MOTION PICTURE DAILY, today told delegates at the Wisconsin M.P.T.O. convention nothing else could be expected in view of the effort to clean up in a few months all of the in-

(Continued on page 5)

October Theatres Tax Shows a Drop

WASHINGTON, Nov. 21—Indicating that the theatrical business is in none too good a condition, figures on October tax collections released today by the Bureau of Internal Revenue place receipts from the amusement tax last month at $1,122,568, against $1,509,708 in the same period last year.

McCarthy Joins Hays Staff on Publicity

J. J. McCarthy, long identified with pictures and the legitimate theatre, has undertaken, at the request of Will H. Hays, a special assignment in con-

(Continued on page 11)

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DeGrandcourt to Produce

Charles De Grandcourt, who claims a unique experience in the industry, in that he has studied the story values, star and screen personality appeals of 5,000 features while head of the editorial department of National Screen Service, is planning to enter production. He is making his headquarters with the Playhouse Operating Co., of which he is a director, at present.

Allied Discusses Product

Product and latest developments on the proposed industry code yesterday highlighted the regular meeting of Allied of New Jersey. Members reported a sharp drop in business during the past three weeks and the feeling was noted that theatres may be forced to close two or three days a week because of the local product situation. About 40 attended the session.

Miss O'Sullivan Very Ill

HOLLYWOOD, Nov. 21—Maureen O'Sullivan is in a critical condition at the Cedars of Lebanon Hospital following an operation for appendicitis. Peritonitis has set in.

MASCOT PICTURES CORPORATION

ANNOUNCES

Now in Production

"THE MYSTERY SQUADRON"

with

BOB STEELE

A Twelve Episode Serial

Mascot Pictures Corporation

1776 Broadway New York, N. Y.

Purely Personal

JOHN MOYNIHAN, Warner publicity man, is back at his desk after a two-week convalescence from injuries received when he went to the aid of beauty in distress and was slugged by a team of gorillas.

CHARLIE and MRS. EINFELD leave for the coast today where the Warner advertising director will go into a huddle for four weeks on special exploitation plans for "Wonder Bar" and "Anthony Adverse."

JANE BUCHANAN and BURGESS MEREDITH, who may soon trek to the coast for picture work, have opened in the leading comedy roles in "She Loves Me Not."

AL ZIMBALIST, advertising director for Warners' St. Louis Amusement Co., is getting a few bites on his revised plays, "Tough Guy" and "What Good Am I?"

ERNST LUBITSCH and MIRIAM HOPKINS are set for the Fleischman radio hour tomorrow evening. GARY COOPER also may appear in a skit from "Design for Living."

FRANCHOT TONE was signed to a new long-term contract by MGM here yesterday. He is scheduled to end his local visit and return to the coast in about 10 days.

JOE WOLF and ROY WINKLER are pinch-hitting in the Warner art department while TONY GABLICK and JESSE GOURLAY, department heads, are on the sick list.

ADOLPH ZUKOR, looking none the worse for his recent illness, attended the premiere of "She Loves Me Not" Monday evening.

A. W. SMITH, in charge of Warners' eastern and Canadian sales, left yesterday on a field trip through Canada and the east.

DON CLARKE has just finished his latest book, "Alabam," which he says deals with Hollywood. It is not a satire.

SOL G. NEWMAN, managing director in London of Radio Pictures, Ltd., arrived yesterday on the *Ile de France* for a brief business visit.

CHARLES KOERNER, Boston RKO theatre head, left for Beantown last night after conferring with home office executives.

KATHARINE HEPBURN has returned from Hartford where she visited her mother and has started rehearsals in "The Lake."

ALBERT S. HOWSON, in charge of Warners' censorship department, is directing three one-act plays to be presented Saturday in Forest Hills.

ALFRED W. SCHWALBERG, president of the Warner Club, received his third Masonic Degree at Robert Fulton Lodge last night.

DAVID SARNOFF, LEWIS MILESTONE and RAQUEL TORRES arrived yesterday on the *Ile De France*.

REX INGRAM has completed his first novel, "Blue Faces on the Desert," a story of the Foreign Legion.

WARREN WILLIAM, who has been spending a vacation here, will leave for Hollywood tomorrow.

MRS. ROBERT WILBY of Atlanta has returned to her native city after shopping here for a week.

IRVING SHIFFRIN of Radio Pictures plans a big party for his baby's second birthday on Christmas.

LEON ROSENBLATT has gone to Atlantic City for a vacation.

ELISSA LANDI is in town from the coast.

LELAND HAYWARD, agent, is back from Hollywood.

IRENE DUNN leaves for the coast next week.

HOWARD S. CULLMAN left for Washington yesterday.

GREGORY RATOFF will arrive from Hollywood tomorrow.

HARRY BRANDT has been laid up this week with a cold.

Eastman Jumps One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26½	26	26	.....	400
Consolidated Film Industries	3⅛	3⅛	3⅛	.....	100
Consolidated Film Industries, pfd	10⅛	10	10	—1	400
Eastman Kodak	78	76	77	+1	800
Loew's, Inc.	31⅞	30⅝	30⅝	—1	1,200
Loew's, Inc., pfd	70	70	70	+2	100
Paramount Publix	1¾	1⅝	1⅝	— ⅛	1,400
Pathe Exchange	2	1¾	1¾	— ⅛	2,000
Pathe Exchange "A"	10⅞	10	10	—1	1,600
RKO	2⅜	2⅜	2⅜	.....	100
Warner Bros.	6¾	6½	6⅝	— ⅛	2,000

Technicolor Off Quarter on Curb

	High	Low	Close	Net Change	Sales
Technicolor	10¾	10¾	10¾	— ¼	100
Trans Lux	1⅞	1¾	1¾	— ¼	200

Bonds Not Very Active

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	4	4	.....	1
General Theatre Equipment 6s '40, ctf	3½	3½	3½	— ½	1
Keith B. F. 6s '46	45	45	45	.....	1
Paramount F. L. 6s '47	24	23⅞	24	.....	104
Paramount Publix 5½s '50	24	23½	23½	— ½	6
Warner Bros. 6s '39, wd	41	40¾	40¾	+ ¼	26

Para. to Broadcast For Charlotte Henry

HOLLYWOOD, Nov. 21.—Following the success of M-G-M's nationwide broadcast of the Marie Dressler birthday party, Paramount is putting on the air a party in honor of Charlotte Henry, star of "Alice in Wonderland," which will be attended by approximately 50 film celebrities.

The party is scheduled for Thursday and will go on the air over the Blue and Red National networks to be picked up on short wave by the British Broadcasting Co.

Film Score Going on Air

The music score of M-G-M's "Dancing Lady" is to be broadcast from WEAF over a national hookup by Paul Whiteman tomorrow night at 10 o'clock on the Kraft-Phoenix hour. This is said to be the first time a complete score of a picture has been arranged for the air. On Nov. 30 the score of "Going Hollywood" also will be put on the air at the same hour.

Three to Add Vaude

Effective Saturday, the Tilyou, Coney Island, and the Strand, Far Rockaway, will add vaudeville. Stanley Lawton is adding vaudeville at the Broadway and plans to install the same policy at his other straight picture houses. RKO eliminates vaudeville from the 105th Street theatre in Cleveland on Dec. 1.

"Sitting Pretty" Seen

Paramount showed "Sitting Pretty," its new musical, to an invited audience at the Criterion yesterday. Many critics and executives were present. Among those there were Boris Morros, Gordon and Revel, authors of the songs in the picture; Harry Linetska, Jack Pearl, Rubinoff, Ethel Merman, Lillian Roth, Harriet Hilliard, and Bob Goldstein.

M-G-M, Bennett Dicker

HOLLYWOOD, Nov. 21—MGM has been dickering with Constance Bennett for the past week for a one-picture deal. As soon as a suitable story has been chosen the deal will be closed, it is understood. She has one more to make for Radio.

Warners-Robinson Argue

HOLLYWOOD, Nov. 21—Warners and Edward G. Robinson are understood to be in the throes of a disagreement because the company wants to defer "Napoleon" in favor of a story not of a biographical nature, and he is insisting on "Napoleon."

Change Benefit Date

The annual benefit performance for the Milk and Egg Fund and the Actors' Benefit will be held at the Imperial Theatre Jan. 27, instead of Dec. 17, as planned originally, Conflicting public engagements during December influenced the change.

Darst for St. Louis Job

ST. LOUIS, Nov. 21.—James E. Darst, former manager of the Fox News, the old silent newsreel, is to be made manager of the Municipal Auditorium. After the World War Darst established the American Legion publicity bureau.

It's a Natural!

Clara bowls them over in her second hit for FOX. A performance charged with drama . . . melting with romance . . . bubbling with laughter...tense with thrills. A carnival dancer . . . hypnotizing, tantalizing . . . but loving with a loyalty that possesses her very soul.

Clara BOW *in* HOOPLA

"IT'S" IN . . . AS FOX MANPOWER

TOPS "CALL HER SAVAGE" WITH THIS FOLLOW-UP SENSATION

More of everything that makes the crowds pay out. A great show . . . a showman's show . . . a ticket-seller's jamboree. You'll glow with satisfaction as you count up your receipts!

Clara BOW in HOOPLA

with

PRESTON FOSTER
RICHARD CROMWELL

Herbert Mundin • James Gleason • Minna Gombell

From the play "The Barker" by JOHN KENYON NICHOLSON. Stage play produced by CHARLES L. WAGNER.

Al Rockett Production

Directed by FRANK LLOYD

Join the upswing with FOX

Your patrons always like
FOX MOVIETONE NEWS

Kuykendall Tells Danger Of Wrangling

(Continued from page 1)

the anticipated elimination of many unfair conditions through the proposed grievance and zoning boards and made it clear the M.P.T.O.A. is still fighting for the removal of score charges, which he described as "a racket."

Making no direct reference to Allied, he answered the organization's oft-expressed opinion that the M.P.T.O.A. was producer-subsidized when he said:

"The M.P.T.O.A. has had lots of ugly things thrown at it and is used to the charge it is subsidized. We invite any theatre owner to join, whether independent, affiliated or otherwise. Why not? If I had my way I would ask film exchanges to join as well. What harm is there if we do this in the open? At least we don't go around begging for funds and pleading that nothing be said about it. As we are constituted there can be no producer control of the M.P.T.O.A., and what we get from distributors at least is in the open."

Again Refers to Allied

Again making no mention of Allied, but echoing the charges he is understood to have hurled in the lobby of the Mayflower Hotel in Washington before Deputy NRA Administrator Sol A. Rosenblatt, Kuykendall made a second reference to Allied when he said: "I don't know of any organization which hasn't asked the Hays association for help in the last two months."

Declaring the depression had made some showmen and eliminated others "who couldn't be and didn't want to be showmen," Kuykendall described the men who run the theatres as the shock absorbers of the industry.

"You bear all of the criticism," he said, "and Hollywood and New York have no right to ram down your throats pictures which are unsuited for your theatres. As a matter of fact we could have eliminated many current practices if exhibitors had unity of action. The fact they have no unity was brought out very clearly during the code meetings. But more and more the personal equation in theatre operation is asserting itself. Chains, whether independent or affiliated, are finding it harder and harder to operate on their current basis. Personality in theatre management will rule from now on. Some of the so-called super-men are being replaced by common sense men."

Harking back to his part in fighting the admission tax, Kuykendall declared most legislators failed to regard the industry as essential. He blamed exhibitors with laxity in failing to cultivate their lawmakers for this and urged theatremen, regardless of exhibitor association affiliations, to work to the end that the business be removed from the luxury classification.

Fight Tax Moves, He Says

Indirectly confirming MOTION PICTURE DAILY'S story that local business agents of operators' unions were having their power curtailed, Kuykendall, in touching lightly on labor code dealings, which Jack Miller will explain in full Wednesday, stated strikes often ordered by them will be out unless approved by the I.A.T.S.E. The purpose of the I.A. in opening a Washington office under Lou Krouse, vice-president, was this, he added.

Fred S. Meyer, state president, struck an interesting note when he described any differences which may exist between the M.P.T.O.A. and Allied as imaginary. "Certainly," he said, "we are 100 per cent in accord on legislative matters."

Making good on his viewpoint, he then gave the open forum to Frank J. McWilliams of the Eastwood, Madison, and president of the competitive Allied state unit. McWilliams sounded the note against dirty pictures which was reflected before and later by three other speakers. Tracing the history of the Hays morality code which the speaker declared was written three years ago by a Jesuit priest resident in St. Louis after Jewish, Protestant and Catholic groups had failed to agree on a joint program, McWilliams, himself a former president of the Wisconsin M.P.T.O., scored the Hays member companies for failing to live up to it. Expressing the opinion voiced individually around the convention by many upstate Wisconsin theatremen, McWilliams warned the Catholic church had about made up its mind to no longer stand by while filthy pictures were shown.

Sentiment Against Obscenity

Admitting many pictures were wholesome, but denying exhibitors had the right to cancel salacious films without paying rental, McWilliams told the story of how the Apostolic delegate to the United States recently expressed the displeasure of Rome against immoral films and how a recent meeting of Catholic women in St. Paul determined to strike for clean screens by hitting at the box-office by urging members to stay out of theatres. He described a three-page telegram sent by the National Council of Catholic Men to the President from Chicago three weeks ago urging Roosevelt not to sign any code unless it specifically included a safeguard against salacious films.

Failing to designate the Detroit theatre by name, he continued that a recent request to withdraw a film adjudged immoral had been refused by the theatre, which then became the target of a boycott by many of its patrons and cited another unnamed Cleveland house as having gone through the identical experience recently. "I am at a loss," he said, "how to stop this but I warn you to be alert. Watch salacious stills, cuts and advertising and gumshoe it. Write producers and tell them you will no longer stand for dirty pictures. You are faced with a boycott by one out of every five coming into your theatre and this is no time to be faced with a situation such as that."

Meyer Concurs

The same thought was struck in Meyer's annual report delivered in the morning, when he said:

"I predict here and now that the future of the motion picture industry depends on a radical departure from present-day conditions; a different and more varied type of production, an entirely different method of distribution and certainly a complete rejuvenation of the exhibition branch of our business."

Warning exhibitors were faced with a problem, Meyer at another point told of a local campaign to bar children from unwholesome pictures and declared the group behind the move is ready to work for a law prohibiting children under 14 in picture houses unless the flood of terror pictures ended.

Kuykendall as a third speaker emphasized the identical issue by stating wholesome films alone will put over theatre operation and therefore Hollywood should be told about how exhibitors felt.

A fourth was Father Thomas Reilly, head of the Sociology Department of Marquette University. Declaring 28,000,000 children, or as many as attended schools, attended films, he asserted the obligation on the exhibitor was a real one. Father Reilly pointed out opinion differed on whether films affected children adversely or otherwise, but made his own opinion emphatic when he added the box-office was not and could not always be the first consideration.

Plans New Financial Structure

The Wisconsin unit is heading toward a new constitution, by-laws or amendment which would revamp the financial structure and eliminate non-payers, along lines advocated by Meyer to the directors in a private meeting Monday evening. Unless properly bulwarked, he declared it would be impossible to continue to ward off adverse legislation. Wisconsin, he added, in the last year had escaped all inimical legislation, including two men in a booth, a state 10 per cent admission tax and blue laws.

The Wednesday highlight will be Deputy Sol A. Rosenblatt.

The second and last session also will mark an open forum on grievances and reports will be read.

W. L. Ainsworth today was appointed chairman of the Financial Credential Committee; A. C. Berkholtz, resolution and grievance chairman; Bob Guiterman, Legislative Committee head.

Other speakers today were Mrs. Paul Griswald, Milwaukee Better Films Council, and Mrs. James Buckland, chairman of the film division of the Wisconsin Federated Women's Club, both stressing disapproval of political censors, censorship and advocacy of the selectivity plan for recommended films. Irving Maier of the ad department of the *Wisconsin Journal* took a crack at superlatives in advertising, as did L. McMeekin, representing the Boston store here. Wednesday night a banquet winds up the Convention.

First in 3 Years

Holding over of "The Invisible Man" at the 7th Ave. Roxy marks the first extended booking in three years, or since "The King of Jazz." More than 80,000 attended the Roxy in the first four days.

Both "The Invisible Man" and "King of Jazz" are Universal releases.

Pantages Opens Studio

HOLLYWOOD, Nov. 21.—Alexander Pantages has established a presentation studio here with Jack Lester in charge to line up productions for routing around the country.

Code May Not Fill All Needs - Kann

(Continued from page 1)

herent evils and differences between major industry branches, which had been riding rampant for 20 years.

"Producers," he said, "failed to agree among themselves and other producers. Distributors failed to see the same problems with other distributors eye to eye and exhibitors were split into two different national associations. How the code will work nobody knows.

"It remains to be seen. Grievance and zoning boards are supposed to solve exhibitor troubles, and they may. But if they don't and if inequities or even iniquities appear, there is always a chance to make remedies. The code has not been signed to date because its effect goes beyond the film industry in that any rulings the NRA may make might easily be considered precedents for all other industries. It follows sane and grave consideration must be exercised in order not to rule on matters which may easily upset the entire fabric of American business."

Urges Obscenity Boycott

CINCINNATI, Nov. 21.—"The only way to stop the production and showing of obscene motion pictures is to boycott them," declared Mgr. Charles E. Baden, chaplin of Fenwick chapel, in an address before that assembly.

"We should demand that producers eliminate a lot of this stuff which can be described only as obscene. It appears that the only way to convince them that such subjects are not wanted by the people is to stay away when obscene pictures are shown, and let the producers know why one stays away."

Order Tracy Held Again

MEXICO CITY, Nov. 21.—Lee Tracy, who has been in Mexico making scenes for "Viva Villa," has been ordered rearrested by Mexican police on the charge of using insulting language during a parade Sunday in celebration of the 23rd anniversary of the Mexican revolution. The actor had been ordered released but apparently the authorities changed their mind.

"Death Parade" to Zapp

CHICAGO, Nov. 21.—A. L. Rule, producer of "The Big Drive," has appointed Henry Zapp, president of Monarch Pictures of Detroit as national distributor for his new war film titled "The Death Parade."

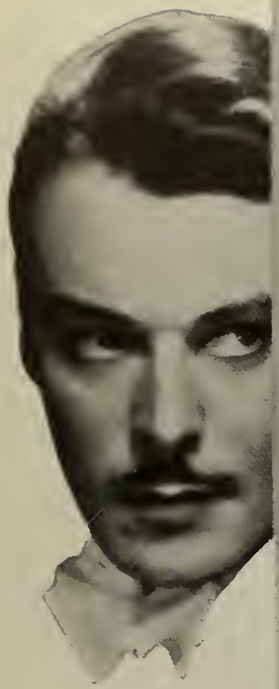
Rule also has closed a deal with Jack O'Toole for handling "The Death Parade" in Illinois, Wisconsin, Minnesota and North and South Dakota.

New House for Enid

ENID, Okla., Nov. 21.—Plans are under way for the erection of a modern theatre, seating about 800, with a combination policy of vaudeville and pictures, in the near future.

New Richmond Theatre

RICHMOND, Nov. 21.—Permission has been granted the Realty Investment Mortgage Corp. to remodel the building at 2820 West Cary St. for theatre purposes. The job is expected to cost $12,000.



STEP OUT
WITH
UNIVERSAL

A

CLASS

picture with

SMASH

attraction value!

•

ELISSA LANDI
PAUL LUKAS
NILS ASTHER

in

BY CANDLELIGHT

With Esther Ralston, Melvyn Douglas, Dorothy Revier, Frederic Burton, Lawrence Grant, Lois January. From the Broadway stage success by Harry Graham. Produced by Carl Laemmle, Jr. Directed by JAMES WHALE. Presented by Carl Laemmle.

Senate Delves Into Struggle For Fox Film

(Continued from page 1)

sue of General Theatre debentures Harley L. Clarke acquired control. Under the agreement Fox received $3,000,000 and a promise of $500,000 per year more for five years.

In the transactions nearly 2,000,000 shares of General Theatres Equipment were issued and Clarke received about 1,000,000 shares with the understanding that he would not market them while the bank obligations were outstanding.

Trouble in securing the listing of one of the issues on the Stock Exchange was told by Dodge under questioning of Ferdinand Pecora, who described the stock as "water" and pointed out that the public had never seen the balance sheet of General Theatres at that time.

Four Syndicates Handled Stock

Testimony further disclosed that four syndicates operated in General Theatres stock in 1929, one of which secured 350,000 shares of stock at a price of $20, turned it over a few days later at $25 and sold it to the public at $32. Prior to the October stock market crash, the stock reached $65. The corporation went into receivership last year and the stock now, Dodge said, is "practically worthless."

Pointing out that advertising accompanying the issue contained no balance sheet or stated the price at which the stock had been sold to the bankers, Pecora charged that these details had been concealed because the securities had been written up to the extent of $38,000,000.

Outlining the Fox difficulties at the request of Pecora, Dodge told of large purchases in Loew's, Inc., by both Fox and the Fox Film and the decline of these holdings in 1929 when Fox found himself with $90,000,000 in short term notes coming due.

Interested because General Theatres had several contracts with Fox companies, he continued, Clarke attempted to secure financial aid for the reorganization of Fox and in 1930 conceived the idea of securing control when court suits to oust Fox from his enterprises were initiated. These culminated in the agreement whereby Fox sold his controlling interest in Fox Film and Fox Theatres to General Theatres for $15,000,000.

Hertz to Go Back Upon Stand Today

(Continued from page 1)

meeting of Paramount Publix creditors convenes today before Referee Henry K. Davis.

Counsel for the Paramount trustees will first conclude their questioning of Hertz, begun 10 days ago, and the Chicago financier will then be turned over to attorneys for Paramount creditors' groups.

Columbians to Dance

The fourth annual dinner and dance of the Columbia Club will be held at the Waldorf Astoria March 10. Max Seligman is chairman of the committee in charge.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Lady Killer"

(Warners)

HOLLYWOOD, Nov. 21.—Jimmy Cagney's portrait in "Lady Killer" is a mixture of all his successful roles. In this he's a fresh-guy usher, gambling racketeer, high-hat gangster, dame-slapper, jailbird—winding up as a star in the "movie racket."

Wherever they like Cagney they'll like "Lady Killer," because Cagney is most of the show. Comedy predominates, with farce as a runner-up, plus a sprinkling of dramatic incident and punch. The title should be effective in attracting romance-seekers, though the main theme only touches lightly on this phase.

Cagney, fired from his usher job, unconsciously drifts to the petty gambling racket. Purses dropped by a gang gal lure the suckers to her apartment and the card table. Cagney finds a purse—drops in—then joins up with the gang. Finding pickings easy, he becomes finger man for the mob. They branch out into the night club gambling racket, with bunco automobile accidents on the side. When the police turn on the heat he flees to Hollywood with the gal (Mae Clarke).

In Hollywood, double-crossed by Mae, down and out, Cagney is projected into the extra ranks. Up the ladder he goes, writing fan mail to himself. The gang, hearing of his success, crash his home, with ensuing complications and dramatic action.

Comedy—broad and boisterous—affords Cagney plenty of room to strut and plume his antics, and gives "Lady Killer" a great laugh lift.

Funny shots: Arrival in sunny Hollywood. Initiation to extra ranks as Indian chief. Girl's birthday gag: monkeys, yodelers and elephant.

New twist on Cagney's jaw-socking: Dragging wench across the floor by her hair.

Novel shot: New kind of Cagney kiss.

One of the biggest laughs for theatres where Yiddish is understood is Cagney's Indian chief crack. On the East Side it'll be worth the price of admission alone.

Direction by Del Ruth has consistent quality. Mae Clarke and Margaret Lindsay even up feminine honors.

"Lady Killer" title, tied up with Cagney, has draw value. Production should satisfy Cagney's followers.

Looking 'Em Over

"Christopher Bean"

(M-G-M)

A comedy-drama that rates better than average, largely through the untiring efforts of Marie Dressler to squeeze laughs and sympathy out of a story that makes such efforts necessary.

Miss Dressler, as Abby, house servant to the New England Haggett family for 20 years, becomes the center of avarice and intrigue when it is discovered that a number of paintings by the man she loved years before have suddenly become of great value. Dr. Haggett, played by Lionel Barrymore, who has been a kindly, unselfish country doctor up to this point, is transformed into a greedy schemer who tries to sell Abby's portrait, considered the artist's masterpiece, without her knowledge. He is brought to his senses by realization of Abby's genuine devotion to the dead artist, but once more surrenders to greed on learning that Abby has in her possession 17 other paintings by the artist, each worth about $10,000. This time, only the disclosure that Miss Dressler is the widow of the artist who died in poverty, which makes the paintings indisputably her property, prevents Barrymore from seizing and selling them.

The picture is good, light entertainment and, with the exception of one or two scenes, should satisfy family audiences. Supporting roles are splendidly handled by Jean Hersholt, George Coulouris, Beulah Bondi, H. B. Warner, Helen Mack, Helen Shipman and Russell Hardie. Sam Wood directed.

"The Right to Romance"

(Radio)

Excellently handled technically and dramatically, "The Right to Romance" can be chalked up as a thoroughly entertaining Ann Harding vehicle. Because Alfred Santell, the director, has thoughtfully and efficiently managed the delicate task of taking a page from the album of a doctor's life, it will be a cinch to get medical institutions to back the picture. Doctors will enjoy seeing this on one of the Sundays they have no office hours.

(Continued on page 11)

Baltimoreans See Benefits From Repeal

(Continued from page 1)

per cent of people are drinking coffee and milk with their meals."

J. Harry Gruver, proprietor of the Glen, Glenburnie, Md., and interested in other theatres, says that he does not believe box-offices will lose any money by repeal and that there will not be any rush to get liquor legally because people can get all they want now.

"It was different with beer," he said, "for during prohibition the public could not get good beer."

Gruver believes repeal will do a lot of good because many people will be employed and many trades will be helped in some way by repeal.

Ted Routson, manager of the Hippodrome, says there will not be any effect on box-offices, that the only way to keep money out of the box-office is to show weak pictures.

"The initial tendency to drink a lot will soon wear itself out because when a man has liquor at his finger tips, so to speak, he doesn't want it," says Routson.

Repeal Can't Reach Alabama Until 1935

BIRMINGHAM, Nov. 21.—Alabama is one of the few states in the Union which is still "bone dry" despite repeal of the 18th Amendment. State laws prohibit even the sale of beer and right now there is no prospect of change until the legislature meets in 1935. Consequently no effect on box-office receipts are expected before that time. Considerable sentiment in favor of repeal of the state laws exists, but the present governor is dry and declines to call the legislature into special session.

St. Louis Threats Stir Up No Action

(Continued from page 1)

on at the St. Louis. Nothing has happened yet, however.

The St. Louis average used to run around $7,000 a week, and it has about doubled under the new policy. Loew's State and the Ambassador have been hard hit. The Missouri and Grand Central are said to be complaining and some of the neighborhoods are up in arms.

Day and Date Runs Out of Pittsburgh

(Continued from page 1)

the Sheridan Square will go to second runs, with two changes weekly.

Warner officials tried an experiment with the day-and-dating, the Warner charging a top of 50 cents and the Sheridan Square 10 cents cheaper, but it didn't work. The decrease in trade at the Warner as a result wasn't being compensated entirely by the slight increase in the Sheridan Square's business.

"Sitting Pretty"

"Sitting Pretty"

JACK OAKIE • JACK HALEY • GINGER ROGERS • THELMA TODD
GREGORY RATOFF • LEW CODY *and the* PICKENS SISTERS

A Paramount Picture • Directed by Harry Joe Brown • A Charles R. Rogers Production

If it's a PARAMOUNT PICTURE it's the best show in town!

Johnson Says Code Now as He Wants It

(Continued from page 1)

the boards set up in the code, but that the question of the so-called penalty clause was referred to the Attorney General by Administrator Johnson with a query as to whether it was in conformity with the National Industrial Recovery Act.

It is understood that the department rendered an opinion which will be taken by Johnson to Warm Springs along with the code. In submitting it to the President, Johnson will recommend the elimination from the pact of the penalty clause.

It is further understood that at the same time the Department of Justice was asked to review the code provisions covering distribution with a view to assuring that they were in compliance with the court decisions which terminated the Federal Trade Commission's block booking proceedings.

While no information has been made available as to the attitude taken by the department with respect to the penalty clause, it has been consistently contended that the Industrial Recovery Act stipulates the penalties for violation in the shape of a fine of $500 for each offense, with each day of violation considered a separate offense, and that no code could impose other penalties not in conformity with the law. The code provides a fine of $10,000 for the offering by a producer of excessive inducements to secure the services of an employe.

Satisfied that the code was finally ready for submission to the President for approval, Rosenblatt left this afternoon for Milwaukee to attend the M. P. T. O. of Wisconsin convention. He will return Friday to be on hand when the President approves the code.

Price War Develops In California Spots

(Continued from page 1)

Redwood with a 60-inch ad headed by the line—"Is the existence of your new Redwood Theatre being threatened by unfair competitive methods?" The ad stressed the contention that the Fox opposition had reduced its prices for first run pictures from 25 cents to 15 cents for the alleged purpose of crushing the Redwood, which charges 15 cents and was opened recently by Phil A. Frease and Leslie Jacobs.

The Fox theatre's reply the following day in the same position with the same size ad was to play up its admission price of 15 cents without reference to the contentions of the Redwood.

Simultaneously, it was learned, cuts in admission price were announced by Fox film first run theatres in San Mateo and in Vallejo. Similar advertising developed in these spots.

M-G-M Gets Orginal

M-G-M has acquired picture rights to "The Body Beautiful," an original story by Jerome Horwin and Edward Eliscu.

Looking 'Em Over

(Continued from page 8)

Robert Young, Nils Asther, Sari Maritza and Irving Pichel lend unusually strong support to Miss Harding, who is superb at all times. Delmar Watson as the crippled boy is fine in a sympathetic part.

The story treats of a surgeon, Miss Harding, who specializes in face lifting. She is so absorbed in her work she has had little time for romance, but when the heart strings begin to tug she drops everything for a vacation and what romance it holds in store for her. She overlooks, however, Asther, who is devoting his life to research in the same hospital and hasn't had time to venture into romantic avenues.

At the seashore, Miss Harding meets Young, son of one of her patients, falls in love with him and later marries him. Shortly after the doctor learns her husband is versatile in the art of love making, especially while she is out on emergency cases. She leaves him. Young and his former sweetheart, Miss Maritza, are injured in a crash and Miss Harding is called in to save the girl from having her face disfigured. She consents because she knows that she was not the one her husband really wanted. As for herself, she begins to realize professional students should keep within the medical sphere and Asther would not make such a bad husband after all.

"Broken Dreams"

(*Monogram*)

A sentimental affair with Buster Phelps doing much to hold the interest. It is swell entertainment for the family trade, with the child, Phelps, as the magnet for getting in the children. Randolph Scott and Martha Sleeper do good work and have the capital support of Joseph Cawthorne and Beryl Mercer.

Losing his wife in childbirth, Scott, an interne, turns the baby over to his uncle and aunt, Cawthorn and Miss Mercer, and after six years claims the boy. He had despised him when first born, but becomes attached to him after he sees him for the first time in six years. Scott has been to Vienna studying obstretrics and pediatrics and returns to take up his practice. He falls in love with Miss Sleeper and when she hears of the boy she senses a gap looming in their lives. She goes through with the marriage, hoping to overcome the barrier. The boy doesn't take to her and he almost causes a break in the marital life of his father. The misunderstanding between the boy and his foster mother is cleared up when the child comes to her aid as she is being attacked by a friend during Scott's absence. The boy is injured and Miss Sleeper then realizes he cares for her. She decides to forget the past and treat him as her son. That satisfies Scott and the youngster.

"Sunset Pass"

(*Paramount*)

Bovine rustling and the usual melodramatics surrounding the round-up of the rustlers make for pleasing entertainment, what with a cast comprising Randolph Scott, Tom Keene, Kathleen Burke, Harry Carey, Noah Beery, Kent Taylor, Fuzzy Knight, George Barbier and Vince Barnett and a story by Zane Grey. When caught in a neighborhood Loew house it was well liked by the audience.

Keene is sent out to track down the elusive gang of rustlers, signs up with Scott, a partner of Carey in the cattle stealing business, and learns of the hideout. In the interim, Keene falls in love with Miss Burke, who is supposed to be Scott's sister. When it comes to the big round-up, Keene has the cattle stampede the outlaws as they are reaching Sunset Pass to take the cattle themselves. This puts them to flight and they are caught in the chase. Scott is wounded by Keene and on the way home tells him that Carey held certain papers which made him (Scott) continue to assume being the girl's brother and also continue with the rustlers. Scott dies and the girl never knows the truth. Keene promises to take care of her after that.

"White Face"

(*Helber*)

In "White Face" Gainsborough sends to this country a film that fares poorly in comparison with the average mystery picture from Hollywood studios. It is something for the neighborhoods.

The story, by Edgar Wallace, is about a murderous doctor who takes advantage of a street brawl between two men to kill one of the two—a man associated in crime with him in South America who had threatened to "get" him when their little partnership fell through. Among a number of persons suspected are a husband blackmailed by the fellow just prior to his death and a newspaperman jealous of his attentions to his sweetheart.

President Confers With J. M. Schenck

(Continued from page 1)

trator, and representatives of the industries concerned.

General Johnson, who is to make a speech in Atlanta on Thursday, is scheduled to call on the President here, and will present the code for the Chief Executive's signature at that time if it is completed before his departure for the South.

Eddie Cantor will come here with the same understanding that Schenck had. He leaves Washington tonight with Colonel Marvin H. McIntyre, one of the President's secretaries, but it was made very plain here today that he would not discuss salaries of film stars while the code is pending.

No NRA Charge Yet, Independents State

(Continued from page 1)

today to answer complaints that they were violating the President's agreement by working some employes 52 hours weekly instead of the 40 hours specified in the agreement.

The Metropolitan Division office gathered statistics early last summer which showed theatre business to be based on a seven-day, rather than a five and one-half-day week as in other industries, and asked for a labor exception to permit a longer working week. The exception, permitting a 52-hour week in some instances, was granted by the Department of Commerce, which was interpreting the President's agreement in advance of the setting up of local compliance boards.

Whalen was quoted as saying that the larger circuits, including Loew's and RKO, were abiding by a 40-hour week, and that "all rules and regulations of the President's agreement will be strictly enforced until a code for the film industry is signed by the President."

McCarthy Joins Hays Staff on Publicity

(Continued from page 1)

nection with film publicity and advertising. McCarthy will also look after the matters customarily in charge of Frank J. Wilstach, who is ill.

Directors of the Hays office, at a meeting last week, adopted various new regulations referring to publicity and advertising. McCarthy's work will consist principally of the application of these regulations.

A meeting of the principal advertising and publicity men of the industry was held at the Hays office on Monday. Following this meeting a committee with which Mr. McCarthy will work was appointed.

No Return of Shows Looked For in N. O.

(Continued from page 1)

the Allied Stage Crafts, stagehands and musicians were regularly employed at the Saenger, Loew's State and the Orpheum, which also used vaudeville acts. Patrons, it seems, are satisfied with films.

The St. Charles, Liberty, Lyceum, Wonderland and Newcomb, on and adjacent to Canal street, are doing well. The Strand may reopen this month.

"Female" Top Boston Draw With $37,000

BOSTON, Nov. 21.—"Female" led another big week here. It reached $37,000 at the Metropolitan, up by $9,000, with Fred Waring and his Pennsylvanians on the stage.

All houses were well above par. "Ace of Aces" hit $22,000 at the RKO Boston, topping average by $6,000 for one of the best weeks in a long time, and "The Chief" took $21,500 at Loew's State. "I'm No Angel" gave the Paramount one of its best weeks of the year, $12,000.

Total first run business was $122,000. Average is $95,000.

Estimated takings for the week ending Nov. 16:

"ACE OF ACES" (Radio)
BOSTON—(2,900), 25c-50c, 7 days. Fred Stone and vaudeville. **Gross:** $22,000. (Average, $16,000.)
"I'M NO ANGEL" (Para.)
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000.)
"ONLY YESTERDAY" (Univ.)
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $19,000. (Average, $16,000.)
"THE CHIEF" (M-G-M)
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $21,500. (Average, $16,000.)
"FEMALE" (Warners)
METROPOLITAN—(4,350), 30c-65c, 7 days. Fred Waring's Pennsylvanians. **Gross:** $37,000. (Average, $28,000.)
"I'M NO ANGEL" (Para.)
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $12,000. (Average, $9,000.)

'U' Makes Second Ending

Universal has made a second ending for "King for a Night" at the request of a number of exhibitors who object to the present one, which has Chester Morris, son of a minister, going to the chair for a murder committed by his sister, Helen Twelvetrees. Exhibitors will have the choice of either climax when booking the picture.

J. H. Cooper May Expand

DENVER, Nov. 21.—Reports are that the J. H. Cooper Enterprises will convert buildings into theatres in Pueblo, Grand Junction and Greeley. The company has a Publix tieup.

J. J. Goodstein of Pueblo is considering building new theatres in Alamosa, Col., and Santa Fe, N. M.

Radio Buys 'Bunker Bean'

HOLLYWOOD, Nov. 21.—Radio has purchased "His Majesty Bunker Bean," by Lee Dodd and Harry Wilson. The story was bought for Wheeler and Woolsey and is slated for early production. No director has been assigned.

Cooper to Return Dec. 11

Nov. 21.—Merian C. Cooper, executive producer for Radio, will return to work about Dec. 11, according to B. B. Kahane. Before returning to work he will take a cruise and will visit New York to line up story material.

P. A. Powers on Coast

HOLLYWOOD, Nov. 21.—P. A. Powers has arrived here to speed up work on the Comicolor cartoon series, the first of which was shipped east recently by Celebrity Pictures.

Hollywood On Parade

By BILL SWIGART

HOLLYWOOD, Nov. 21.—With the return of CARL LAEMMLE, SR., the Universal City Club has been revived after a three year suspension. The club is composed of Universal employes of all classes and is purely social with meetings being held periodically to discuss and review pictures in addition to staging dances and a feed after the picture is over.

The club maintains its own clubhouse on the lot from the small monthly dues contributed by the members.

LAEMMLE SR. is honorary president with JUNIOR honorary vice president: HARRY H. ZEHNER, chairman of the board, which includes CHARLES HUBBARD, MARTIN MURPHY, ARHIE HALL, WHITTELSEY DEMING, RUSSELL GAUSMAN, FRANK GRAVES, CURLEY ROBINSON and JOHN LE ROY JOHNSTON.

•

Since JOSEF VON STERNBERG and MARLENE DIETRICH are extended all the studio courtesies that one could expect from Paramount, the latest request made by the pair is the right to censor all publicity and photographs released by that studio. Since this is in their contract the request was granted. JOE not only censors the publicity blurbs, but insists on personally posing MARLENE for any publicity art in the galleries. MAE WEST has a smilar clause in her contract, but is not quite so finicky.

•

Holding great hopes for the eligibility of LT.-GOVERNOR FRANK F. MERRIAM to become the next governor of California, CLINTON WUNDER, former mouthpiece for the Academy, is introducing this honorable person to the picture colony. The lieutenant-governor has always looked with favor upon the industry and now WUNDER wants to weld this friendship more solidly . . . we wunder, since UPTON SINCLAIR has also thrown his hat into the forthcoming gubernatorial election.

•

Throughout the run of BING CROSBY's personal appearance at the local Paramount a cordon of truant officers was stationed about the lobby of the house to check on possible truants, who perchance might take the afternoon off from school to hear and see the crooner in the flesh.

•

Due to his portrayal of diversified sports roles in previous pictures and the fact that he is an ardent baseball fan as well as player, JOE E. BROWN has been made an honorary member of the Amateur Athletic Union tribunal.

"Footlight" Big K.C. Hit With $14,000

KANSAS CITY, Nov. 21.—"Footlight Parade" was the only outstanding draw, boosting the Newman's take to $14,000, double the average. It was held a second week. A trial double bill at the Uptown failed to come up to expectations. The city's annual charity drive hurt business generally.

Total first run business was $30,200. Average is $27,000.

Estimated takings:

Week Ending Nov. 8:
"FOOTLIGHT PARADE" (Warners)
NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $14,000. (Average, $7,000.)

Week Ending Nov. 9:
"BUREAU OF MISSING PERSONS" (F.N.)
MAINSTREET—(3,049), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $6,000. (Average, $7,000.)

Week Ending Nov. 10:
"DAY OF RECKONING" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $7,500. (Average, $10,000.)
"LOVE, HONOR AND OH, BABY" (Univ.)
"THE MAD GAME" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. (Trial double bill. **Gross:** $2,700. (Average, $3,000.)

Lasky Signs Peggy

HOLLYWOOD, Nov. 21.—The truth about Peggy Fears' "mysterious" contract came to light today when it was learned that Jesse L. Lasky had signed her for the lead in "Coming Out Party."

"Parade" Is Sensational Denver Draw

DENVER, Nov. 21.—"Footlight Parade" was a sensation here last week, playing day and date at the Aladdin and Denver, with holdouts frequent. The total take was $19,500. At the Aladdin the feature grossed $7,500, above par by $4,000, and at the Denver the take was $12,000, just twice the usual total.

Total first run business was $45,700. Average is $30,000.

Estimated takings for the week ending Nov. 16:

"FOOTLIGHT PARADE" (Warners)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $7,500. (Average, $3,500.)
"TORCH SINGER" (Paramount)
DENHAM—(1,500), 25c-30c-40c, 7 days. Stage show. **Gross:** $9,100. (Average, $7,000.)
"FOOTLIGHT PARADE" (Warners)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $12,000. (Average, $6,000.
"BUREAU OF MISSING PERSONS" (Warners)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show. **Gross:** $10,500. (Average, $10,000.)
"MY LIPS BETRAY" (Fox)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,600.
"THE WORST WOMAN IN PARIS" (Fox)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $1,000. (Average for week, $3,500.)

Zeidman to Do 'Glamour'

HOLLYWOOD, Nov. 21.—B. F. Zeidman will produce the Edna Ferber story, "Glamour," for Universal, the film being his second on this season's program.

Zeidman's first on the schedule was "Beloved."

Harlow Draw In Cleveland Despite Snow

CLEVELAND, Nov. 21.—In spite of a blizzard that dropped business an average of 34 per cent, "Bombshell" was good for $7,500 at the State last week. This is $1,500 over par.

"The Private Life of Henry VIII" was the only other draw in town. It took $4,000 at the Allen, up by $1,000.

Neighborhood houses were hit harder than those downtown.

Total first run business was $31,500. Average is $48,000.

Estimated takings for the week ending Nov. 17:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
ALLEN—(3,300), 25c-30c, 30c-40c, 7 days, 2nd week. **Gross:** $4,000. (Average, $3,000.)
"FLYING DEVILS" (Radio)
HIPPODROME — (3,800), 25c - 30c - 40c. Stage: Thurston, the magician. **Gross:** $7,000. (Average, $14,000.)
"COLLEGE COACH" (Warners)
WARNERS' LAKE—(800), 30c-35c-44c, 7 days. **Gross:** $2,000. (Average, $3,500.)
"INVISIBLE MAN" (Univ.)
RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: Duncan Sisters in "Topsy and Eva." **Gross:** $8,500. (Average, $17,000.)
"BOMBSHELL" (M-G-M)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $7,500. (Average, $6,000.)
"STAGE MOTHER" (M-G-M)
"HELL AND HIGH WATER" (Para.)
STILLMAN—(1,900), 25c-30c-40c, 7 days. **Gross:** $2,500. (Average, $4,000.)

Ellington Garners $11,000, Oklahoma

OKLAHOMA CITY, Nov. 21.—Duke Ellington and his band at the Criterion pulled $11,000 last week. The picture was "College Coach."

Reopening of the Midwest has added 1,500 seats to the local first run situation. "Footlight Parade" drew $7,500. Average for the Midwest before closing for the summer was $4,000.

"Broadway Thru a Keyhole" brought average business of $3,000 to the Capitol. The Liberty was $1,000 under with "Worst Woman in Paris" and "Master of Men," taking only $2,000.

Total first business was $24,700. Average is $11,700.

Estimated takings for the week ending Nov. 18:

"FOOTLIGHT PARADE" (Warners)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $7,500.
"COLLEGE COACH" (Warners)
CRITERION—(1,700), 10c-35c-50c-75c, 7 days. Duke Ellington on stage. **Gross:** $11,000. (Average, $5,000.)
"BROADWAY THRU A KEYHOLE" (U. A.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,000. (Average, $3,000.)
"WORST WOMAN IN PARIS" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $3,000.)
"MASTER OF MEN" (Col.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,200. (Average week, $3,000.)
"HER BODYGUARD" (Para.)
VICTORIA—(800), 10c-15c-20c-26c, 3 days. **Gross:** $400. (Average week, $1,200.)
"VOLTAIRE" (Warners)
VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $800. (Average week, $1,200.)

Janet Beecher Is Signed

HOLLYWOOD, Nov. 21. — Janet Beecher, brought here recently from New York by Darryl Zanuck to appear in the Ann Harding picture, "Gallant Lady," has been added to the 20th Century roster on a long termer. Her next assignment is indefinite.

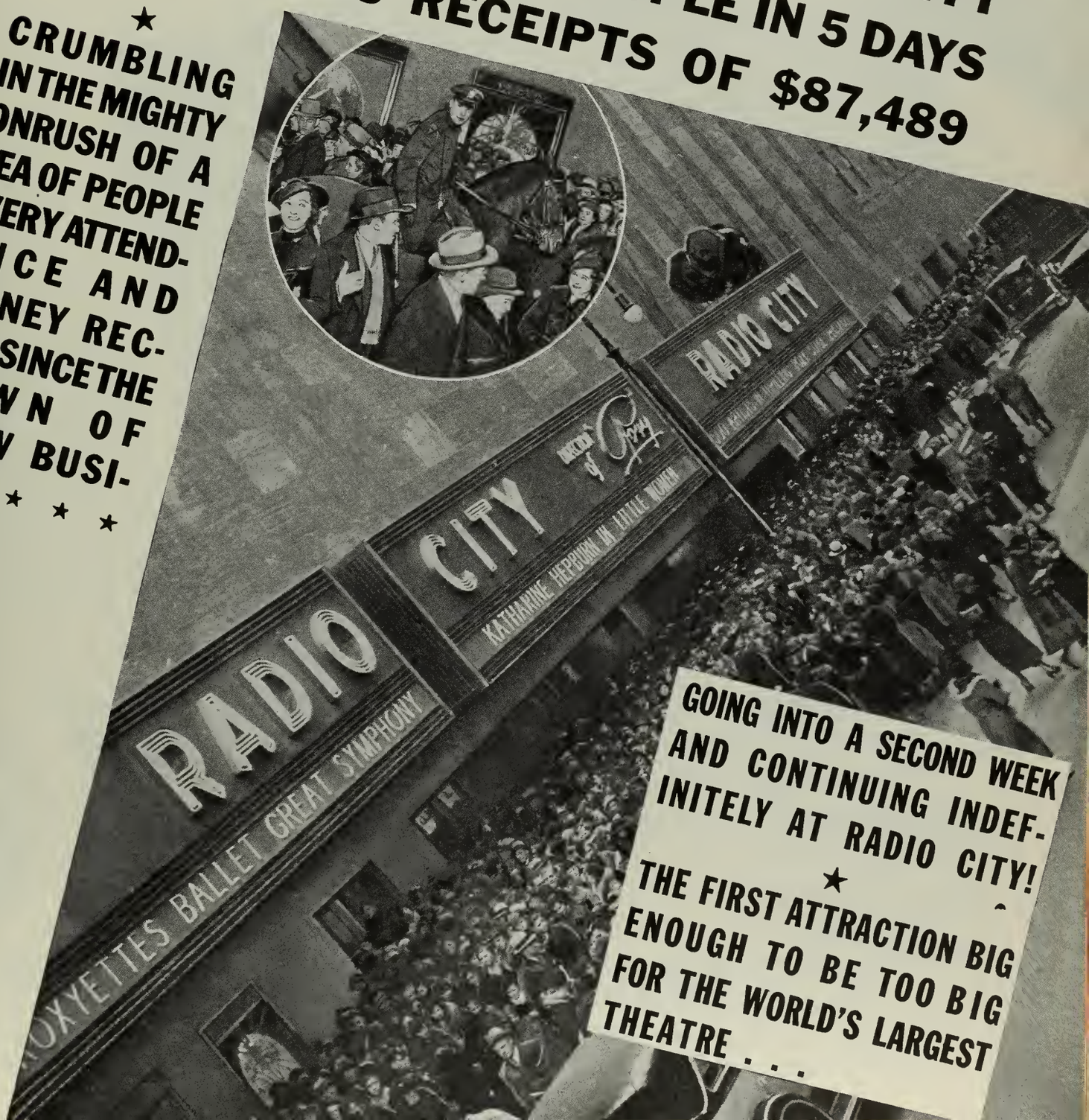
IN ALL THE DAYS OF YOUR LIFE

YOU'VE NEVER SEEN ANYTHING LIKE IT!

"LITTLE WOMEN" AT RADIO CITY SHOWS TO 118,936 PEOPLE IN 5 DAYS AND GROSS RECEIPTS OF $87,489

★

CRUMBLING IN THE MIGHTY ONRUSH OF A SEA OF PEOPLE EVERY ATTENDANCE AND MONEY RECORD SINCE THE DAWN OF SHOW BUSINESS ★ ★ ★



GOING INTO A SECOND WEEK AND CONTINUING INDEFINITELY AT RADIO CITY!

★

THE FIRST ATTRACTION BIG ENOUGH TO BE TOO BIG FOR THE WORLD'S LARGEST THEATRE . . .

Beloved And Awaited By Fifty Million People! Ecstatically Praised In A Mighty Chorus By Every Critic! Publicized For Months In Newspapers And Magazines And Over The Great Radio Networks . . .

and now . . .

A GREAT NATIONAL ADVERTISING CAMPAIGN IN EVERY NEWSPAPER IN KEY CITIES AND TOWNS FROM COAST TO COAST!

TIMED TO APPEAR WITH OPENING DAYS . . AND BLAST THINGS OPEN IN ONE GIGANTIC BOMBARDMENT!

THE ROMANCE TWENTY MILLION HAVE READ . . . NOW THE PICTURE FIFTY MILLION WILL LOVE!

IF IN ALL YOUR LIFE YOU COULD SEE BUT ONE PICTURE . . . LET IT BE THIS ONE!

(This Space For Local Theatre Name And Playing Dates)

(The above is a reduced reproduction of one of three advertisements to be used in this national advertising campaign. The ads measure 1200 lines, 6 columns in width, occupying almost a full page in a standard sized newspaper . . . ask your RKO-RADIO Branch Manager about it.)

Superbly Directed by
GEORGE CUKOR

★

MERIAN C. COOPER
Executive Producer
Kenneth Macgowan, Associate

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

RKO-RADIO'S THANKSGIVING GIFT TO ALL THE WORLD!

"Invisible" $24,500 Hit On the Loop

CHICAGO, Nov. 21.—Grosses at Loop first runs demonstrated conclusively that Universal's "The Invisible Man" is a box-office attraction comparable to "Frankenstein." RKO's Palace did $24,500 with the feature and with a stage show which included Ted Weems and his orchestra. Plenty of credit for the over-par draw is given to the picture. Local reviewers raved about it.

With the till showing $35,000 for the week at the Chicago, indications are that local box-offices are entirely recovered from the World's Fair hypodermic. This brings Chicago receipts about to the level of weeks preceding the fair's opening. Which way the gross will swing in the next few weeks will probably indicate the winter odds on business generally.

Total first run business was $104,800. Average is $120,600.

Estimated takings:

Week Ending Nov. 15:

"I'M NO ANGEL" (Para.)
ORIENTAL—(3,940), 30c-40c-60c, 6th week, 7 days. **Gross:** $15,000. (Average, $23,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $10,000. (Average, $17,000.)

Week Ending Nov. 16:

"BERKELEY SQUARE" (Fox)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Joe Laurie, Jr.'s "Memory Lane," Chrysanthemums Spectacle, Larry Adler & Others. **Gross:** $35,000. (Average, $34,600.)

"THE INVISIBLE MAN" (Univ.)
PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Ted Weems & orchestra, Jimmy Savo, Lewis & Moore, Serge Flash & others. **Gross:** $24,500. (Average, $22,000.)

Week Ending Nov. 17:

"FEMALE" (F. N.)
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $10,000. (Average, $13,000.)

"MY WEAKNESS" (Fox)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $9,300. (Average, $11,000.)

Petrillo Faces Rivals

CHICAGO, Nov. 21.—James C. Petrillo, for 11 years head of the Musicians' Union, has been renominated for the office of president, but for the first time in many years finds himself confronted by opposing candidates. They are Angelo Cavallo and Nunzio de Pasquale. As a consequence the nominations were held under the eyes of police from the state's attorney's office.

Election will be held Dec. 5.

Henius Goes to India

PARIS, Nov. 21.—Wolff M. Henius, formerly with M-G-M in Hollywood and latterly a production manager at Joinville near here for Paramount, is en route to Bombay to organize a Hindu production unit for which several Indian maharajahs are reported putting up the capital. The plan is to make talkers in Hindu with English versions.

Cantor's Xmas Opening

"Roman Scandals," new Eddie Cantor picture, is slated to open at the Rivoli Christmas week. The picture gets its world premiere in Hollywood, at Grauman's Chinese, next Monday.

Holdovers Let Philadelphia Grosses Fall

PHILADELPHIA, Nov. 21.—Business last week took a slump, several second week films dipping below average. "Only Yesterday," however, did nicely at the Boyd and got an extra day, and "Night Flight" got two extra days at the Arcadia.

Film men, however, are looking for plenty of excitement for this week. "I'm No Angel" is already on the way to a house record at the Stanley and the "Private Life of Henry VIII" started strongly at the Aldine.

Total first run business was $74,900. Average is $82,000.

Estimated takings for the week ending Nov. 16:

"BROADWAY THRU A KEYHOLE" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 5 days, 2nd week. **Gross:** $4,800. (Average for 6 days, $7,000.)

"NIGHT FLIGHT" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 8 days. **Gross:** $3,100. (Average for 6 days, $2,400.)

"ONLY YESTERDAY" (Univ.)
BOYD—(2,400), 40c-55c-65c, 7 days. **Gross:** $11,000. (Average for 6 days, $12,000.)

"DINNER AT EIGHT" (M-G-M)
CHESTNUT—(1,500), 55c-$1.65, 3rd week. **Gross:** $8,000. (Average, $7,000.)

"LOVE, HONOR AND OH, BABY" (Universal)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Cotton Club Revue with Adelaide Hall, George Dewey Washington, Alma Smith, Four Flash Devils, Cecil Mack Singers. **Gross:** $11,500. (Average, $12,000.)

"SWEETHEART OF SIGMA CHI" (Monogram)
FOX—(3,000), 35c-55c-75c, 6 days. Stage: "Sisters of the Skillet," Rosita and Ramon and Eduardo Bianco, King, King and King. **Gross:** $13,500. (Average, $16,000.)

"BLONDE BOMBSHELL" (M-G-M) (2nd run)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,500. (Average, $3,500.)

"WORST WOMAN IN PARIS" (Fox) (2nd run)
KEITH'S—(2,000), 25c-35c-40c, 6 days. Stage: Five acts vaudeville. **Gross:** $4,500. (Average, $5,500.)

"FOOTLIGHT PARADE" (Warners)
STANLEY—(3,700), 40c-55c-65c, 4 days, 3rd week. **Gross:** $9,000. (Average for 6 days, $12,000.)

"HELL AND HIGH WATER" (Para.)
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $7,000.)

"Baron" Is $4,500 Indianapolis Draw

INDIANAPOLIS, Nov. 21.—"Meet the Baron" at the Palace and the second week of "Footlight Parade" at the Circle were the two best bets this past week. The Palace grossed $5,500 and the Circle $4,500. "Berkeley Square" at the Apollo was just even with par with a gross of $2,500.

Total for the five first runs was $21,500. Average is $24,500.

Estimated takings for the week ending Nov. 11:

"BERKELEY SQUARE" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500.)

"FOOTLIGHT PARADE" (Warners)
CIRCLE—(2,800), 25c-40c, 2nd week. **Gross:** $4,500. (Average, $3,500.)

"EVER IN MY HEART" (Warners)
INDIANA—(3,300), 25c-55c, 7 days. Stage show. **Gross:** $6,000. (Average, $8,000.)

"SATURDAY'S MILLIONS" (Univ.)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $6,000.)

"MEET THE BARON" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500.)

Another Celebrity

Hollywood, Nov. 21.—The local preview hounds were all eyes the other night when an ultra-gorgeous limousine drew up to the curb at the Beverly Theatre, where Warners were previewing Edward G. Robinson's "Dark Hazard."

The mob was stepping on each other's toes to catch a glimpse of the famous person when the door of the car opened and out stepped six of the studio's best looking contract players, who assisted from the car none other than "Dark Hazard" himself, a big black Whippet canine with a diamond studded collar.

Tommy Macleod of Warners' publicity department framed the gag.

"Parade" Holds Up In Buffalo Freeze

BUFFALO, Nov. 21.—The coldest November weather in 60 years, ushered in by a severe snowstorm, pulled all grosses down, including "Footlight Parade," which nevertheless went $5,000 over normal to $15,000 and lingered for a second session.

Total first run business was $40,000. Normal is $48,300.

Estimated takings for the week ending Nov. 17:

"ANN VICKERS" (Radio)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Anatole Friedland's "50 Million Frenchmen," with Venita Gould, Al Norman, Billy Taylor, Laina Blair. **Gross:** $14,000. (Average, $15,000.)

"BUREAU OF MISSING PERSONS" (F. N.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,400. (Average, $6,000.)

"FOOTLIGHT PARADE" (Warners)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $15,000. (Average, $10,000.)

"BEAUTY FOR SALE" (M-G-M)
HIPPODROME—(2,100), 25c-40c, 7 days. Stage: Sammy Cohen, Dr. J. Albert Pauline, Jerry and Her Baby Grands, Paul Mall, Gus Robey & Gang, The Briants, Dorothy & King Bros., Dalton & Craig. **Gross:** $9,800. (Average, $10,000.)

"WALTZ TIME" (G. B.)
HOLLYWOOD—(300), 25c-40c, 7 days, 2nd week. **Gross:** $900. (Average, $800.)

"THE WORST WOMAN IN PARIS" (Fox)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,500. (Average, $6,500.)

"Angel" Sets New Record in Seattle

SEATTLE, Nov. 21.—"I'm No Angel" has established a definite record here, having had a seven-day capacity run at the Fifth Avenue and a 14-day "extended run" at the Paramount. For the opening week at the Fifth Avenue, with admission at 60 cents top, the gross was in excess of $15,000, or double the usual weekly take. The second seven days, at the Paramount, the take was about $7,500, and the third week, now current, is expected to show a gross of at least $5,000. The three-week engagement will bring close to $30,000, it is estimated.

Huffman Takes "Sigma"

DENVER, Nov. 21.—The first independent film to play a Harry Huffman house in months goes into the Paramount Nov. 30 for a week. The honor goes to Monogram's "Sweetheart of Sigma Chi."

"Parade" Is $35,000 Hit On the Coast

LOS ANGELES, Nov. 21.—Warners mopped up here last week by playing "Footlight Parade" day and date at the Downtown and the Hollywood. It took $20,000, over par by $6,000, at the former, and ran up to $15,000, up by $3,000, at the latter.

"I'm No Angel" was strong at $16,500 in its fifth week at Grauman's Chinese. "Penthouse" reached $15,500 at Loew's State. "Broadway Thru a Keyhole" was a $13,000 draw at United Artists, and "Only Yesterday" took $12,750 at Pantages.

Total first run business was $124,500. Average is $93,300 without United Artists and Pantages.

Estimated takings for the week ending Nov. 15:

"I'M NO ANGEL" (Para.)
CHINESE—(2,500), 50c-$1.65, 5th week, 7 days. Sid Grauman prologue. **Gross:** $16,500. (Average, $14,000.)

"PENTHOUSE" (M-G-M)
LOEW'S STATE—(2,415), 25c-40c, 7 days. Stage: Ed Lowry and his band. Jimmy Starr celebrities interview. **Gross:** $15,500. (Average, $14,000.)

"CRADLE SONG" (Para.)
PARAMOUNT—(3,598), 25c-40c, 7 days. Stage: Georgie Stoll and his orchestra, Charlie Hamp. **Gross:** $14,250. (Average, $18,000.)

"THE RIGHT TO ROMANCE" (Radio)
RKO—(2,700), 25c-40c, 7 days. **Gross:** $3,300. (Average, $8,000.)

"FOOTLIGHT PARADE" (Warners)
WARNER BROS. (Hollywood)—(5,000), 25c-55c, 7 days. Oscar Baum and his augmented orchestra, stage show. **Gross:** $20,000. (Average, $14,000.)

"FOOTLIGHT PARADE" (Warners)
WARNER BROS. (Downtown)—(3,400), 25c-55c, 7 days. Teddy Joyce and his orchestra, stage show. **Gross:** $15,000. (Average, $12,000.)

"BITTER SWEET" (U.A.)
FILMARTE—(890), 40c-50c, 3rd week, 7 days. **Gross:** $2,000. (Average, $2,650.)

"MIDSHIPMAN JACK" (Radio)
"RUSSIA TODAY" (Carveth Wells)
CRITERION—(1,610), 25c-40c, 7 days. Stage show. **Gross:** $3,500. (Average, $2,800.)

"BROKEN DREAMS" (Monogram)
LOS ANGELES—(3,000), 15c-25c, 7 days. Stage show. **Gross:** $4,800. (Average, $3,700.)

"THE WORST WOMAN IN PARIS" (Fox)
ORPHEUM—(2,200), 25c-35c, 7 days. 10 acts vaudeville. **Gross:** $3,900. (Average, $4,250.)

"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(2,100), 25c-40c, 7 days. Sid Grauman prologue, Chic Sale. **Gross:** $13,000.

"ONLY YESTERDAY" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. Stage show. **Gross:** $12,750. (Average, ??

James T. Stroud Dead

SPENCER, Ia., Nov. 21.—James T. Stroud, 55, northwestern theatre manager, is dead. He was once assistant manager of the old Grand Opera House, St. Paul. Later he directed 16 suburban theatres there. He was also manager for Publix in Aberdeen, Minot and this city. At the time of his death he was handling Finkelstein & Ruben houses here and in Spiritlake.

Duserne Out of Loew's

LOS ANGELES, Nov. 21.—Ray Duserne, manager of Loew's State here for the past five years, has resigned to go with a general theatrical agency. He is succeeded by J. A. G. Schiller, former vice-president of the Robert Morgan Co., and a relative of E. A. Schiller, vice-president of Loew's.

THE EXHIBITOR READS IT!

WARDMAN PARK HOTEL
WASHINGTON, D.C. 1800 ROOMS

September 24,1933.

Mr. Terry Ramsaye,
Quigley Publications,
1790 Broadway,
New York City.

My dear Mr. Ramsaye:

Your article in the September 23 issue with reference to the Washington hearing on the code is truly a master piece.

Terry, you have written some marvelous things in a clean-cut and concise way, but this is the finest treatise that I have ever read from your pen. It covers a big subject in a definite way and the only way that it should be thought of by any thinking man who is interested in the recovery of this business.

I read it twice last night and three times again today and have written to a dozen exhibitors already in my territory that your story is the whole story up to date.

Terry, this industry needs more men with the vision that you have set forth in this article.

With kindest regards, I am

Yours very truly,

Leita F Martin

L'/ws

VALATENGA THEATRES
INCORPORATED

R. B. WILBY
PARAMOUNT THEATRE BLDG
ATLANTA, GA

October 23, 1933.

Mr. Terry Ramsaye,
Motion Picture Herald,
1790 Broadway,
New York City.

Dear Mr. Ramsaye:

I very much appreciate your having sent me the copies of the magazine to the Lincoln Hotel. I especially enjoyed the "Eagle Feathers" story, which I am going to frame to hang in my office. Not only does it show a lot of insight into what actually went on down there, but it shows a lot of real courage in telling the simple truth about it.

I believe that the labor figures are going to be useful to many of us.

With kindest regards,

RBW:A

Sincerely,

R. B. Wilby

GRAND OPERA HOUSE
TELEPHONE 139
OSHKOSH, WISCONSIN

November 7, 1933.

Mr. Martin Quigley,
Motion Picture Herald,
1790 Broadway,
New York City

My dear Mr. Quigley:

I read in your November 4th issue of the Motion Picture Herald the articles on NOW THE SUPER-CHAIN, on "GOING WEST", and "MERRY-GO-ROUND", and I want to say to you that those are three of the best articles I have ever seen in any paper. Whoever wrote these articles certainly has some grey matter and has used it. It is too bad that more people in this country haven't the nerve and courage to say the things which are said in these three articles.

Yours very truly,

W. S. Mayer

• *A.B.C. Proves they* **TAKE** *it* —
• *Letters prove they* **READ** *it* —

MOTION PICTURE HERALD

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 122 NEW YORK, THURSDAY, NOVEMBER 23, 1933 TEN CENTS

$69,572,000 Fox-GTE Loss By Chase Told

$21,000,000 to Fox for Control, Reveals Pecora

WASHINGTON, Nov. 22.—Expected profits of the Chase National Bank and its subsidiary, Chase Securities Corp., from the financing of Fox Film and General Theatres Equipment turned out to be losses aggregating $69,572,000, the Senate committee investigating Wall Street learned today from Winthrop W. Aldrich, president of the bank.

The total financing of the stock and loans by the bank and its subsidiary, Aldrich revealed, aggregated $89,330,000 but are today carried on the books at $19,757,000.

A paper profit of $16,000,000 was made by the promoters of General Theatres through the purchase of Fox

(*Continued on page 7*)

Hertz Examination Is Again Put Over

The second consecutive postponement of the scheduled final examination of John Hertz, former chairman of the Paramount finance committee, drew the fire of Samuel Zirn, counsel for a Paramount bondholders' group, yesterday.

Referee Henry K. Davis put over the examination until Monday because of the absence from the city of Saul E. Rogers, counsel for another group

(*Continued on page 4*)

Nathanson Attending Kuhn, Loeb Sessions

N. L. Nathanson has been attending a series of conferences with executives of Kuhn, Loeb & Co., with reference to plans now being formulated for drafting reorganization arrangements for Paramount.

The meetings are being presided over by Sir William Wiseman, representing Kuhn, Loeb & Co.

Franklin Not After Metropolitan Group

Harold B. Franklin, former head of RKO theatres, is proceeding with plans for setting up his own production and exhibition organization, he said yesterday in denying current reports that he was to become associated with Metropolitan Playhouses here,

(*Continued on page 7*)

Only Promise Bans Strikes, Miller States

Labor Deal "Lousy," He Tells Milwaukee Meet

MILWAUKEE, Nov. 22—Only a promise stands between the theatres of the nation and operators' and stagehands' walkouts under the code as it now stands, and while he said he considered the promise legitimate, "it is just that and nothing more." Jack Miller, chairman of the National Code Committee on Theatre Labor and president of the Chicago Exhibitors' Ass'n, so told the annual convention of the M. P. T. O. of Wisconsin here this morning.

Delivering an as-usual on-the-table talk punctuated with such choice words as "lousy" and "rotten," Miller divulged that the original code clause ban-

(*Continued on page 4*)

Rubien Pleads for Theatre Employes

MILWAUKEE, Nov. 22—The most effective way to sweeten box-offices is to meet organized labor "obligingly and cheerfully," Abner Rubien, general counsel of the I.A.T.S.E., told the Wisconsin M.P.T.O. convention late this afternoon as he urged recognition of the American wage standard in theatres.

Rubien, who played an important part in labor and code meetings in

(*Continued on page 4*)

NRA Will Question Theatre Men Today

A number of local independent exhibitors received notices yesterday to appear before the local NRA compliance board this afternoon to explain exceptions in working hours of theatre employes granted by the Department

(*Continued on page 4*)

High Finance

Milwaukee, Nov. 22.—They asked for a lot of things, did exhibitors of the nation.

Rosenblatt, however, today told one of the niftiest. It was from a far western exhibitor who argued something ought to be done to and about producers who had the gall to charge as much as $3.50 for a feature.

Authority to See Film Code Is Lived Up to

WASHINGTON, Nov. 22 — Compliance with the film code by members of the industry will be exacted by the Code Authority after it is properly organized, it was made known today by Administrator Hugh S. Johnson in an outline of what is required after a code is approved by the President.

It will be the duty of the deputy administrator in charge of the code to see that the Code Authority is so organized that it may promptly and efficiently administer it. It will also be his duty to see that the Code Authority does operate efficiently and to invoke action by the Government should the Code Authority fail or be

(*Continued on page 4*)

Warn Canadians on British News Shots

TORONTO, Nov. 22—The Ontario Government has issued a warning to exhibitors not to remove British shots from newsreels. The government insists that patrons see 50 per cent of British scenes in the releases.

Some managers have been combining two or three reels in arranging programs and others have deleted British shots merely to shorten the reels.

Asked President to Send Rubinoff Back—Cantor

WARM SPRINGS, Ga., Nov. 22.—Eddie Cantor was a caller on the President at the "Little White House" today.

Cantor referred to his visit only jocularly, stating that he came here to ask the President to send Rubinoff to Russia.

His was the second visit within two days the President has had from film men, the first being from Joseph M. Schenck, president of United Artists.

It is understood here that the President received both with the understanding that their visits would be in

(*Continued on page 6*)

Code Creating 25,000 Jobs, Avows Deputy

Rosenblatt Says So at Milwaukee Meeting

By RED KANN

MILWAUKEE, Nov. 22—Twenty-five thousand additional jobs are in the offing as a result of the labor provisions of the proposed code, while the code itself will unite the entire industry into "a compact whole" and give it greater opportunity for self government than any other business, Deputy NRA Administrator Sol A. Rosenblatt told several hundred exhibitors and exchange men at the close of the second day's session of the annual convention of the Wisconsin M. P. T. O. this afternoon.

Delayed by storms between Washington and Chicago and almost compelled to cancel the trip entirely by Government business, the deputy arrived shortly after mid-day and delivered a 50-minute talk to a packed assemblage, including Frank J. McWilliams, president of Allied of Wisconsin.

Tracing the fundamentals of the NRA and citing the widespread na-

(*Continued from page 6*)

Milwaukee Session Goes Over to Today

MILWAUKEE, Nov. 22.—The M.P. T.O. of Wisconsin convention failed to close today, due to the length of the program, with the election going over to Thursday, at which the re-election of Fred S. Meyer is definite.

Other action scheduled includes a by-law change to eliminate deadheads and keep the membership alive on the basis of dues at 10 cents per theatre seat and to invite film exchanges and unions to join.

The proposed legislative program includes a campaign through the na-

(*Continued from page 6*)

Ushers in St. Louis Organize New Union

ST. LOUIS, Nov. 22.—The Building Service Employes' International Union, Local No. 111, has been launched here. Ushers from five of the leading theatres attended.

Rolla Denness, vice-president of the new union, says he will seek recognition by the Theatre Managers' Ass'n.

According to Denness, the organization meeting was attended by 55 ushers from the Ambassador, Fox,

(*Continued on page 7*)

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Editor-in-Chief and Publisher

MAURICE KANN
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JAMES A. CRON
Advertising Manager

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"Viva Villa" Unit Back

HOLLYWOOD, Nov. 22.—One unit of M-G-M's "Viva Villa" company has returned to the studio from Mexico City where it has been on location for several weeks.

The studio has been working three units on the film, two in Mexico and one at Culver City. The picture will be finished within a week.

Rachmil to Be Married

HOLLYWOOD, Nov. 22.—Louis J. Rachmil, vice-president and art director for Ken Goldsmith Production, left for New York today where he will be married to Helen Goldman.

The couple plan to remain in New York for six weeks before returning to the coast.

U. A. Shifts Leonard

Charles Leonard, who has been handling publicity and advertising for the United Artists theatre in San Francisco, has been transferred to the home office handling trade paper advertising copy under Hal Horne. He has already taken up his new duties.

Hugh Williams Delayed

HOLLYWOOD, Nov. 22.—Hugh Williams, slated to arrive here yesterday with George White and his "Scandals" staff, has been delayed in New York several days due to a throat infection.

George Trumbull Dead

DENVER, Nov. 22.—George Trumbull, 42, manager of the Colorado, died at his home here. Trumbull formerly lived in Chicago, where he was part owner of the Jackson Park.

Looking 'Em Over

"Havana Widows"

(First National)

MILWAUKEE, Nov. 22.—Pretty swell in cast values, what with Joan Blondell, Glenda Farrell, Allan Jenkins, Guy Kibbee and Frank McHugh. O. K., too, in production values, but entertainment not so fortissimo. "Havana Widows," done in the slapstick style backed up by occasional effective wisecracks, probably will get by, but it doesn't rate making any noise over it.

It all has to do with the ambition of two chorines—Joan and Glenda—to get to the happy hunting grounds at Havana and there knock off a millionaire. They wheedle the money out of Jenkins, the dumb guntoter, and run into complications with Kibbee and his son, Lyle Talbot, who finally becomes Miss Blondell's one and only heart-throb. The story is slight, stretched out and doesn't mean much.

The cast does what it can with the material at hand, but deserved a better break. McHugh, as the constantly drunk lawyer, does his stuff in great style and provides the bulk of the laughs. Audience reaction was something not to be had. This was caught at the 10:12 show at the Strand with about 60 of the faithful in the audience.

The Strand is the new Warner slough house here. KANN

"Horse Play"

(Universal)

Slim Summerville and Andy Devine are teamed in a series of events which begin on a ranch in Montana and wind up at a costume party in dear old London. Summerville, a cowhand, is in love with Leila Hyams and is fired when he pulls one boner too many. The heroine goes to visit her aunt in England and while she is gone Summerville sells his own ranch for $1,000,000. He takes his pal, Devine, and a horse with him in search of Miss Hyams.

In England Summerville accidentally meets the heroine's aunt, a duchess, and is invited to a party she is giving. Summerville and Devine attend and again make themselves general nuisances, especially when they hear that Scotland Yard is after a man with a birth mark on his left lobe. The man wanted happens to be the villain making a play for Miss Hyams so he can kidnap her and hold her for ransom.

Summerville and Devine eventually get their man, Miss Hyams gets her man, and then all return to the plains of Montana.

In the cast also are David Torrence, Mae Beatty and Oscar Apfel. Edward Sedgwick directed.

"War of the Range"

(Monarch)

This picture is right up the young film fan's alley. Grown ups, even those who are not indifferent to horse dramas, are likely to take it with a laugh in the wrong spots, as happened at times when it was caught at Loew's New York.

The story of the gang of rustlers brought to justice by the he-man hero is resurrected to provide a string on which to bead together a series of hand-to-hand struggles, pistol fights and mounted pursuits. There is always someone pursuing someone else or someone taking a shot at someone else. One thing must be said for the film—it has action, and Tom Tyler, who is much of a favorite with youngsters, is right in the midst of the fuss. Of course, the picture would hardly be complete without a romance between Tyler and Caryl Lincoln. Other players are Lafe McKee, Lane Chandler and Charles K. French.

Columbia Pictures Up One

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	27	25⅞	27	+1	400
Consolidated Film Industries, pfd	9¾	9¾	9¾	— ¼	100
Eastman Kodak	80¾	78	78¼	+1¼	2,400
Fox Film "A"	14	14	14	.....	100
Keith-Albee-Orpheum, pfd	15	15	15	.....	100
Loew's, Inc.	31⅜	30⅛	30⅜	— ½	800
Paramount Publix	1⅝	1½	1½	— ⅛	500
Pathe Exchange	1⅞	1⅝	1⅝	— ⅛	2,200
Pathe Exchange "A"	11	9⅞	10½	+ ½	1,300
RKO	2¼	2¼	2¼	— ⅛	200
Warner Bros.	6½	6¼	6¼	— ⅜	2,100

Trading Light on Curb

	High	Low	Close	Net Change	Sales
Technicolor	10⅞	10⅞	10⅞	+ ⅛	100

Bonds Very Inactive

	High	Low	Close	Net Change	Sales
Paramount Publix 5½s '50	23½	23½	23½	.....	1
Warner Bros. 6s '39, wd	40¾	40¼	40⅝	— ⅜	10

Purely Personal

PAUL WHITEMAN and WALTER O'KEEFE are regular visitors on the MARSHALL NEILAN set at the Eastern Service Studios. Their wives, MARGARET LIVINGSTON and ROBERTA ROBINSON, are working in "The Social Register."

GREGORY RATOFF will make personal appearances in Baltimore and Washington in addition to appearing with RUDY VALLEE on the radio program tonight and the EDDIE CANTOR hour on Sunday night.

JACK ELLIS, Radio salesman, is handling the publicity for the M. P. Salesmen's ball to be held at the Hotel Plaza on New Year's Eve. He's lining up a stack of talent for the affair.

THERESIAN GARDELLA, the "Aunt Jemima" of the radio, has been signed by Fox for "Fox Follies" and will start for the Coast on Dec. 1 following a personal appearance in St. Louis.

CHARLES L. O'REILLY has accepted the invitation of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware to talk at the one-day convention.

HARRY ARTHUR and IRVING LESSER are trying to find a new indoor sport now that "Invisible Man" is being held for a second week.

CHARLOTTE HENRY departs Saturday from Hollywood for a tour of 22 cities, making personal appearances with "Alice in Wonderland."

JOSEPH I. BREEN, Hays representative on the coast, left for Hollywood last night after a two-week series of conferences here and in Washington.

MRS. AD. SCHULBERG of the Schulberg-Feldman agency arrived in town yesterday from Hollywood.

WARREN WILLIAM leaves for Hollywood this afternoon on the 20th Century after a two-week stay here.

JOE BRANDT and TOM TERRIS held an informal chat in front of 729 7th Ave. yesterday afternoon.

LEWIS MILESTONE leaves for the Coast in about a week.

CHARLES ROGERS, producer, is due from Hollywood next week.

STUART WALKER, Paramount director, is at the Lombardy.

Munson, Smith at AMPA

Ona Munson and Stanley Smith, featured in Joe Cook's "Hold Your Horses," will be guests today at the weekly A. M. P. A. luncheon at Sardi's. Howard Smith, scenario editor for 20th Century, will also be a guest.

Mrs. Marshall Ill

Mrs. Fred Marshall, wife of the Columbia exploiteer, yesterday underwent an operation for appendicitis at the Midwood hospital. Marshall is in Hartford on a tieup.

AS ADVERTISED—

Joan Crawford and Clark Gable in "The Dancing Lady" are bringing to your screen the greatest musical romantic sensation this industry has ever known. M-G-M of course!

Only Promise Bans Strikes, Miller States

(*Continued from page 1*)

ning strikes in theatres and ordering settlement of disputes between employers and labor by arbitration was now out because the American Federation of Labor refused to give up its right to call strikes.

"All we got," he said, "was a promise from Lou Krouse to take local autonomy privileges on strikes from the hands of business agents and making the question determinable by him as vice-president of the I. A. T. S. E. That's swell and I believe Lou means it, but after all, it's only a promise and Krouse may live six months or an hour and a half. Who knows?"

Miller declared the labor end of the code was a "rotten" job.

"I went to Washington full of hope," he said. "The code was to be the Moses leading us out of the wilderness of labor. It didn't take long to find out labor was running the NRA and the whole show. I'm telling you there aren't enough brains in the A. F. of L. to run the A. F. of L., so how is it going to run the government. If the government lets the A. F. of L. continue to run the works, there's no hope. I predicted more strikes in the next six months than in the last six years and the first six weeks of those six months proved I was dead right with plenty to spare.

Got "Lousy Deal," He Says

"Can you imagine a government ruling a wage scale arrived at by violence and theatre bombing is to prevail as long as the NRA stays? That's what it has done. The code says Aug. 23 wage scales are to prevail, but does it mean that? It does not. It means wages can't go under that scale, but doesn't prevent unions from trying to get more. We came out of Washington not with a good deal; we came out with a lousy deal."

Miller cracked down on Wisconsin exhibitors for failure to support the organization and predicted nationwide unions of ushers, cashiers, and doormen and said in 100 cities and towns moves were actually under way to unionize janitors.

"I came up here," he asserted, "because Fred Meyer sold me on the idea of what a wonderful organization he had. I've been going to these things for years and they're a lot of hooey like this one. Meyer hasn't any organization. I've been fooled again and Meyer is just plain nuts for worrying about the organization when you guys won't even pay dues. As a matter of fact, I understand he hasn't even been able to collect on his Washington expenses. So what is it all about? I'm asking you!

"There is only one way to beat this labor thing and that is for employers to organize as strongly as employes. If you don't want to pay ushers $25, doormen $35 and cashiers $25 a week you'd better wake up, and if you don't that's what you're going to get."

Miller said the A. F. of L. had 16,000,000 members during the war when industry had to move and nobody worried much about wage scales.

"But when the war was over and fellows looked around, the membership dropped to 1,600,000," he added. "Now you've got the NRA and the total has hiked to over 5,000,000 already. It'll be back to that 16,000,000 if you lunatics don't do something about it."

Ed Kuykendall, head of the M. P. T. O. A., failed to escape Miller's tongue-lashing on the futility of exhibitor organizations.

Cites Instances

"There were," he said, "a couple of other saps like you. Pete Woodhull was the national president and had a couple of theatres. He worried about the good of the exhibitors, and what happened? He hasn't even got a theatre left. Then there was Lightman. He had a circuit in Tennessee and still has, but his term in office will cost him $150,000. Maybe you don't know Lightman's partners told him he'd have to quit the M. P. T. O. A. job or they'd throw him out of the company. All these national leaders who wanted to save the exhibitors, who don't want to be saved, ended in the ash can, and that's where you will if you don't get wise."

Kuykendall answered it was his intention to aid all exhibitors whether they paid their dues or not, declaring he regarded this as his contribution to the industry. When Miller caught his drift, he merely threw up his hands and walked out.

Miller made a big hit with his plain talk and hard-hitting tactics, proving once again he is always good copy when he gets going.

A Code What's a Code

Milwaukee, Nov. 22.—Still shuddering when he recalls Washington, the Mayflower and the code, Fred S. Meyer tonight gave the M.P.T.O. of Wisconsin and, for that matter, the industry the sort of code that he argued ought to be adopted. The excuse for it all was the banquet which wound up the convention.

Meyer divided his authoring into four parts, almost like a feature. Part 1 dealt with film salesmen; Part 2 with labor; Part 3 with branch managers and Part 4 with the exhibitor. Some highlights:

A Utopian Code for Film Salesmen

1. **Film salesmen shall not be required to work more than three days in any week nor more than five hours in any one day, the word "work" being specifically defined by the Administrator.**
2. **Ladies' company must be furnished to film salesmen either en route or await them at point of destination.**
3. **Expense accounts can not be questioned. All losses in cards, crap, etc., or other expense, shall be permissible as a charge-off and no questions asked. To assure the enforcement of this section there shall hereafter be no office managers.**
4. **No salesman shall be subject to the humiliation or embarrassment of having any contract rejected once it is signed by an exhibitor.**
5. **M-G-M salesmen shall not sell their product unless the exhibitor also agrees to buy Monogram pictures, with the definite understanding that both products will be co-featured in each instance.**

A Utopian Code for Labor

1. **Hours of labor shall be limited to not more than 45 minutes on any day, on account of the great strain and risk involved. Five days per week only.**
2. **Minimum pay per hour shall be not less than $10 per hour with double this amount to be paid for overtime, the latter to be based on an hourly basis even though it may only amount to seven minutes.**
3. **At least four operators shall be on the job at one and the same time, thereby enabling the operators to do their share for NRA, also so they can play bridge.**
4. **Operators who have no car of their own shall be called for and delivered by the exhibitor.**

A Utopian Code for Exhibitors

1. **Every exhibitor must be guaranteed a profit of not less than $100 per day on every picture he runs. All Advertising must be furnished gratis.**
2. **Before an exhibitor accepts any gratis pictures, he must be guaranteed an adjustment to assure the profit heretofore stated.**
3. **No matter what the contract may or may not contain, exhibitors shall be permitted to run a picture for as many days as they desire and they need not notify the exchange in case of holdovers.**
4. **Where percentage pictures are involved, every exhibitor shall be his own checker and if he is caught sending the exchange an overage he shall promptly be expelled from the Ancient Order of Chiselers.**
5. **All contractual obligations to the contrary notwithstanding, exhibitors need not play pictures in sequence of release, but may reject all except those that look like "naturals."**
6. **There shall be no minimum, nor any admission charge, if exhibitors so elect, and all subsequent runs shall have at least six months' clearance over what once was a so-called first run. Exhibitors who operate only one theatre shall have preference over exhibitors operating two or more.**

Rubien Pleads for Theatre Employes

(*Continued from page 1*)

Washington, predicted a modification of the NRA to give power to the National Labor Board. He said that without power the board has already been successful in many industrial disputes. "When this board has the power to enforce its decrees, cooperation will become mandatory," he said. He was not present at the morning session when Jack Miller attacked the American Federation of Labor and the labor section of the proposed code.

NRA Will Question Theatre Men Today

(*Continued from page 1*)

of Commerce last summer, prior to the setting-up of the local compliance boards.

Complaints have been made, it was said, that the 52-hour week now in force in some independent theatres, constitutes an unfair advantage over other theatres which are applying the 40-hour week proviso of the President's re-employment agreement.

"Design" Opens Here

"Design for Living" had its premiere at the Criterion last night before an audience that included Ernst Lubitsch, its director, and Miriam Hopkins and Gary Cooper, two of its leading players.

Authority to See Film Code Is Lived Up to

(*Continued from page 1*)

unable to administer the code or abuses its authority.

Declaring that it is fundamental that ultimate responsibility for efficient code administration, including the requirement of compliance, shall be shouldered by industry itself, Johnson disclosed it is planned that the Government shall see that codes are complied with only until the Code Authorities are so organized as to take over the work. In no instance, however, will the Government relinquish its control over codified industries and will at all times retain the power to act where code authorities do not properly perform their functions.

Hertz Examination Is Again Put Over

(*Continued from page 1*)

of Paramount bondholders, who had previously declared to the court that it was of "vital importance to his group that he be present at any time that Hertz testified." Rogers was called to Washington by the Senate investigation committee, now delving into the relations of the Chase National Bank with Fox Films. Rogers is a former general counsel of Fox.

Zirn characterized the postponements of the examination as "intolerable" and "bordering on a major judicial scandal." He said that delays were threatening the effectiveness of the bankruptcy investigation. The last scheduled examination of Hertz had been postponed until yesterday in order to permit the witness to attend the funeral of the late Edward N. Hurley, war-time chairman of the U. S. Shipping Board, who died in Chicago recently.

A meeting of Publix Enterprises' creditors, also scheduled for yesterday, was postponed until Dec. 5.

Para. Managers Go Back to Districts

Following conferences with home office executives for the past two days, four Paramount district managers left yesterday for their respective headquarters. Mike Lewis, California district head, and Hugh Braley, Denver district manager, departed after conferring with Neil Agnew. Oscar Morgan and William Erbb left for Atlanta and Boston after discussing sales with Stanley Waite, who did not attend the White Sulphur Springs three-day session because of a recent operation.

J. M. Schenck Returns

Joseph M. Schenck, president of United Artists, returned yesterday from Warm Springs, Ga., where he conferred briefly with the President.

2 Fox Men in Detroit

Herman Wobber and John D. Clarke, Fox sales executives, are in Detroit on the final lap of exchanges east of the Mississippi.

Dinner-Dance

OF THE

Universal Club

(UNIVERSAL PICTURES CORPORATION)

GRAND BALL ROOM •
WALDORF ASTORIA HOTEL

Saturday Evening, Nov. 25, 1933

DINNER AT 7:30 — ENTERTAINMENT
AND DANCING FROM THEN ON
—MAKE YOUR RESERVATION NOW—
CALL UNIVERSAL CLUB, CIRCLE 7-7100

Tickets - - $7.50 per Person

Code Creating 25,000 Jobs, Avows Deputy

(*Continued from page* 1)

ture of the code suggestions, ranging from a Wyoming exhibitor, who wanted a clause banning basketball games until after theatres closed, to letters from the public protesting against the appearance of crooners in shorts, to communications from children six and eight years old protesting against sex in pictures, Rosenblatt declared the industry, prior to Aug. 8, when the code deliberations started in New York, was in deplorable shape.

"If any industry presented a picture wherein practices of dog eat dog and the devil take the hindmost were prevalent, this industry, viewed as a whole, presented such a picture," Rosenblatt asserted.

Discusses Labor Terms

Unaware of Jack Miller's attack on the labor provisions of the code made at the morning session and obviously, therefore, not in a position to answer the attack, even if he were so minded, Rosenblatt made an extensive comment on that portion of the code, declaring it told its own story. He skipped any labor reference in detail by remarking that for the first time in the history of the industry workers were fully protected. His historical tracings of the code deliberations stressed the divergent views of various groups, their insistence upon going their own way, their desire to do this despite what the deputy described as their complete interdependence upon each other.

At the same time he went laudatory when he declared that no industry as a whole had subsequently cooperated so completely with the NRA administration as the film industry had.

Doubling back on the highlights of his Atlanta address a few weeks ago, when he spoke at the Southeastern Theatre Owners' Ass'n session, Rosenblatt made several references considered pointed ones to true and real leaders among exhibitors. While no specific mention was made of Allied, those present familiar with the checkered progress of the code deliberations had no doubt he was referring to that organization. He told the assembled exhibitors that true leaders hadn't failed, that they had "labored hard and long" and secured "great rights and privileges for you."

Clearly referring to the right-to-buy wrangle which was one of the bitterest of the Washington meetings, although he made no specific mention thereto, Rosenblatt touched on the question when he emphasized the legally established right of a distributor to pick his own customers and set his own terms of sale, so long as these efforts in no wise lean toward the establishing of monopoly.

Distributor Concessions

In his quick analysis of the code highlights, the deputy declared the code compels distributors to give up considerable, while "compelling few corresponding obligations on the exhibitor."

Becoming specific, he outlined as concessions made by distributors restrictions against threats to build theatres against exhibitors, check on shorts sales with features in proportion with the number of shorts required by the exhibitor on the basis of his established program, setup of designated playdates which permit the exhibitor to cancel under certain provisions, arrangements on substitutions, specials, restrictions in exposing financial data through checkers, cancellations, protection against non-theatrical competition, and over-buying, the latter to be cleared through grievance boards. While most of the explanation was not new and had been covered in full from time to time in the MOTION PICTURE DAILY, Rosenblatt's address, delivered first hand, nevertheless proved of greatest interest to his hearers.

Exhibitors, he said, were giving up very little. Their concessions, he continued, included observance of contracts in the event theatres were sold, observance of admission price levels, and regulation of rebates. He explained that nothing had been done about duals, because he "didn't regard it within his function to jeopardize the future of independent producers" or to place restrictions on individual theatre operation.

Refers to Block Booking

Rosenblatt made one significant point relative to block booking. Tracing its highly controversial history, the deputy pointed out court decisions had ruled the practice legal when used by individual companies and illegal when determined upon and proved to have been determined upon collectively. He said nothing in the code would impair the decisions on record on block booking and asserted proponents of this selling method had expressed no desire to vitiate such decrees.

"They must stand," said Rosenblatt.

Going into much detail on cancellation privileges, he explained the provision was cumulative in effect and applied to all exhibitors where the average rental was $250 or less, provided exhibitors live up to the letter of their contracts.

"If 36 pictures are involved and the exhibitor fails, or does not want to, exercise cancellation right until the 32nd film is delivered, he then may drop the last four."

Referring again to duals, he said the issue was so controversial it was left out of the code "at the present time." What inferences were to be drawn from that phrase rested with the listeners, as their individual viewpoints dictated.

If separate codes had been drawn for production, distribution, and exhibition, Rosenblatt said, not a single theatre problem would have been solved. He added it was the willingness of producers and distributors to cooperate that made relief for exhibitors possible.

Praises Grievance Boards

The most constructive feature of the code is the grievance boards, according to Rosenblatt, who added that exhibitors all over the nation had asked for them. So liberal are they designed to be, he said, that exhibitors will have a chance to be heard in open meeting, even if they have no legal rights in the case at issue.

Rosenblatt remarked that much interest in the proposed system had been voiced by trade associations in other fields, and he indicated after the meeting he was to have a conference in Washington Friday to air the machinery with representatives of another industry.

For half an hour tonight, Rosenblatt, who was accompanied by his wife and secretary, Mrs. Soper, conducted an open forum with exhibitors and answered all questions fired at him. He attended the banquet at the Schroeder and at 9:20 o'clock left for Chicago to discuss NRA matters Thursday, leaving for Washington on the Liberty Limited Thursday afternoon.

Milwaukee Session Goes Over to Today

(*Continued from page* 1)

tional M.P.T.O.A. to change the copyright law for elimination of the music tax, or its reduction from the present 10 cents per seat tariff.

Endorsement of the code as it stands, plus any pending modifications is also set to go through as well as a resolution condemning salacious pictures and advertising, whether by means of stills or lobby displays. The unit will also back the intent of the Hays morality code, but not its practice, and will seek to get the right of an exhibitor to reject pictures which violate the code letter and intent. Letters so advising all distributors are planned.

Asked Rubinoff Be Sent Back—Cantor

(*Continued from page* 1)

the nature of personal calls, and discussions regarding salaries of stars or the pending code would be barred.

The President will not discuss codes while they are pending. General Hugh S. Johnson is due here late Thursday night, and it is expected that he will acquaint the President with the latest developments on the code.

Cantor left shortly after 6 o'clock.

More Eastern Work Foreseen by Neilan

A marked increase in production activities in the east was forecast yesterday by Marshall Neilan, who is, himself, planning production of eight pictures at Eastern Service Studios.

Neilan expressed complete satisfaction with production facilities here as experienced in work thus far on "The Social Register," with Colleen Moore, which is to be released through Columbia.

Roles Awaiting Cooper

HOLLYWOOD, Nov. 22.—Gary Cooper, when he returns to the coast, will play opposite Marion Davies in "Operative 13," after which he will be cast opposite Anna Sten in "Barbary Coast" by Samuel Goldwyn. He will then return to Paramount for one film.

Chamber Elects Whitney

BOULDER, Colo., Nov. 22.—Gerald Whitney, city manager for Fox West Coast, has been elected president of the Chamber of Commerce after living here about a year.

First Division to Move

First Division Exchanges, Inc., is going to move from 630 Ninth Ave. to the 23rd floor of the RKO Building in Radio City.

New Orleans Views Repeal Complacently

NEW ORLEANS, Nov. 22.—Repeal will have no effect on box-offices in New Orleans, or in other sections of Louisiana, according to exchange and theatre managers, and others connected with the industry here.

New Orleans never did take the 18th amendment seriously. No state prohibition law was ever passed, the city and state government depending on the Federal government to regulate the liquor traffic if it saw fit.

When 3.2 beer was made an issue and finally released to hundreds of restaurants, grocery stores and so-called beer gardens, no effect was felt by theatre managers. Their revenues did not fall off, despite the fact that these refreshment parlors were crowded.

On Election night, when prohibition was decisively defeated, and the nights following New Orleans bars opened without fear of government restraint and even at that the crowds were not large.

Hard liquor has always been obtainable, whether the customer was personally known to the bartender or not, only it was not kept in plain sight as of yore.

Theatres are hurt, however, by the freezing of upwards of $60,000,000 in the banks of this city and nearby towns with no immediate prospect of release. Just what amount is frozen in the homesteads cannot be correctly ascertained, but the total runs into several millions, it is said.

F. F. Goodrow of Goodrow attractions, states: "There may be a drop off in attendance for the first few weeks, but I believe this will right itself. The threat of competition from places selling entertainment with their drinks does not seem so serious, since the prices expected on strong liquors will put these places in the night club class. On the other hand, if increased employment follows with increased buying power, we can look to an eventual boost in business."

Ernest Landys of Fox: "The return of legalized drinking is expected to put more money in circulation. Anything that does this is bound to add patronage to theatres. There may be a light slump in the beginning while some of the theatre patrons spend their evenings looking over the new bars, but this novelty should wear off."

M-G-M Stars Want Raise

HOLLYWOOD, Nov. 22.—Joan Crawford and Clark Gable are raising their voices for more pay, while Jimmy Durante is demanding more important billing. The comedian's action followed his discovery that M-G-M was bringing Buster Keaton back with higher billing than his own.

Tracy Due in Hollywood

HOLLYWOOD, Nov. 22.—Lee Tracy, who had been sought by the Mexican authorities on a charge of insulting the government of Mexico, is due here tomorrow after making his way across the Rio Grande by airplane.

$69,572,000 Fox-GTE Loss By Chase Told

(*Continued from page* 1)

Film stock at less than the market price, it was testified, the stock being purchased at $30 when the market price was $40 and higher without offering it to the stockholders of the company. Bankers financing security issues of the two companies, it was shown, realized profits of over $6,646,000.

More of the details of the involved financial transactions of General Theatres when it acquired the Fox interests were revealed to the committee today by Murray W. Dodge, former official of the Chase Securities Corp. Recalled to the stand to discuss some of these operations, Harley Clarke, Chicago financier, proved of little aid to the committee.

At the opening of the hearing today, Ferdinand Pecora, committee counsel, estimated Fox received a total of about $21,000,000 for a controlling interest in his properties. In addition to a $15,000,000 cash payment, he said, Fox received other considerations valued at about $6,000,000.

The largest part of the $4,500,000 profits of the bankers was realized from a pool formed in the class "A" stock of Fox Film which had been sold to them at $30 a share and sold later on the market at prices ranging between $40 and $48 a share, testimony showed. The profits from the pool amounted to $3,940,000, which was divided among seven participants. A payment of $325,000 also was made to Joseph Higgins, market operator, as part of the "expenses" of the account, it was brought out.

A syndicate also was formed in a $30,000,000 issue of debentures by General Theatres which netted profits of $1,806,076 to the purchasing group and $900,000 to the selling group.

A memorandum from Dodge to Albert H. Wiggin, former president of the Chase bank, dated Apr. 7, 1931, was read into the record by Pecora, which related to the Fox financing. Dodge spoke of his reluctance to discuss the financing with Kuhn, Loeb & Co., because to "split up the gravy would hurt my feelings."

Asked by Pecora what he meant by the use of the word "gravy," Dodge replied that he did not mean it to relate to expected profits of the banking group but to the "prestige" of the bankers in carrying out the financing.

Ushers in St. Louis Organize New Union

(*Continued from page* 1)

Grand Central, Missouri and St. Louis, while 25 ushers who work for neighborhood houses had previously signed membership applications. There are about 250 ushers here.

Thomas W. Allen is president of the union; Denness, vice-president; William Roch, treasurer, and Edward J. Burke, secretary. John P. Nick, business agent for the Theatrical Brotherhood, presided at the organization meeting.

Cashiers and ticket takers will also be asked to join the union.

Warners Speed Up; "U" Slowing Down

HOLLYWOOD, Nov. 22.—Production is speeding up at Warners with seven pictures now shooting and four scheduled to begin before Christmas, making a total of 11 in production before the holidays.

Productions shooting are: "Journal of a Crime," "Heat Lightning," "Gambling Lady," "As the Earth Turns," "Wonder Bar," "Hell's Bells" and "King of Fashion."

Those slated for production within the next three weeks are: "A Very Honorable Guy," starring Joe E. Brown; "The Dragon Murder Case," starring William Powell; "The Heir Chaser," starring Jimmy Cagney, and "A Modern Hero," starring Richard Barthelmess.

Universal will complete all production this week prior to a shutdown just before Christmas.

"Pirates Treasure," a serial; "Cross Country Cruise" and "I Like It That Way," have been completed. "The Poor Rich" and "Two Clucks" will finish the latter part of the week.

With Sam Goldwyn's "Nana" complete and "Barbary Coast" not slated for the cameras until January, reports at United Artists are that there will be a several weeks' layoff for the Goldwyn production staff. Employes are usually carried by the company during production lulls.

Twin Cities Quiet After Warner Stir

MINNEAPOLIS, Nov. 22.—Twin City exhibitors, who signed contracts to play Warner-F. N. pictures on percentage and then, repenting at leisure, threatened a boycott against the company, were cooling off today after receiving word from W. A. Steffes, local Allied States leader, that he would not support the boycott move which developed at an unofficial meeting in Allied headquarters.

Steffes has been out of town since late last week, having left here for Ann Arbor, Mich., to attend the Michigan-Minnesota football game last Saturday. Advised by wire of the meeting's intent to refuse to play Warner-F. N. product because, they said, the percentage terms were "arbitrary and excessive," Steffes declared that he would not support the move and stated that "the time for objections was before the contracts had been signed."

The subject is slated for another airing at a meeting which will probably be held here Friday when Steffes returns. Responsible information holds that there will be no boycott.

Erpi Makes Shifts Of Its Sales Heads

Several promotions in the Erpi sales organization have just been made.

Harry Dodge, central division general manager, becomes general manager of the western division. Stanley Hand, northeastern division sales manager, becomes general manager of the central division, succeeding Dodge. Bert Sanford, merchandising manager of the northwest division, succeeds Hand as division sales manager.

Hand has been with the company since its start and Dodge and Sanford joined it in its second year.

Frudenfeld Shifts Ohio RKO Managers

CINCINNATI, Nov. 22.—Changes made by Arthur Frudenfeld, newly appointed city manager for RKO under Ike Libson, managing director, include appointment of Cliff Boyd as manager of the Albee, succeeding Clem Pope, resigned. Boyd was the manager of the Albee when the house opened several years ago under the Libson banner. He has been managing the Strand, independent vaudefilm house, opened in September by the recently organized Strand Enterprises, Inc. Before that he managed Libson's Strand at Dayton.

Kenneth Means, assistant manager of the Paramount, goes to Cleveland with Nat Holt. Charles Winthrop, of the division office publicity department, succeeds Means at the Paramount.

Boyd's successor at the Strand has not been named.

Under the new setup Libson will determine operating policies and handle bookings instead of these matters being looked after in New York as heretofore.

St. Louis Price War Grows as Fox Cuts

ST. LOUIS, Nov. 22—The first run price war became more intense today when Fox announced a reduction in admission prices would go into effect tomorrow. The new scales are 20 cents for orchestra and balcony to 6 P.M., 35 cents for orchestra and 2,000 seats at 25 cents after that hour. Mezzanine seats will be 35 cents to 6 P.M. and 55 cents thereafter.

At a protest meeting today attended by representatives of every subsequent run theatre in town it was decided to confine price-slashing to the Grand Boulevard for the time being. The Ambassador and Loew's State, downtown first run houses, also are temporarily standing pat.

March Closes Deal With 20th Century

HOLLYWOOD, Nov. 22—Fredric March today ended speculation as to his future by signing a long-term contract with Joseph M. Schenck and 20th Century. Darryl Zanuck announced the actor would be one of the group of stars around whom the company planned to build its new policy of making only pictures with star casts.

Franklin Not After Metropolitan Group

(*Continued from page* 1)

with that circuit designed as the nucleus of a large New York neighborhood theatre chain.

"Metropolitan Playhouses did submit a proposition to me," Franklin said, "but I was not and will not be interested in it. I am proceeding with my own plans for a producing and exhibition organization."

Shift Photophone Men

Elmer Grace has been put in charge of the San Francisco territory for the Photophone Division of the RCA Victor Co. He replaces M. F. Lowry.

Another change in the sales force is the appointment of J. W. Sims to the North and South Carolina territory. He replaces C. A. Mathews.

Hollywood Personals

Hollywood, Nov. 22.

CONSTANTIN BAKALINAKOFF has been signed to direct the recording of all the melodies in "Joe Palooka" (U. A.-Reliance.)

LONA ANDRE has been loaned by Paramount to Goldsmith Productions for a leading role in "Taxi Dancer."

WALLACE FORD and MARGUERITE DE LA MOTTE have been engaged for roles in "Woman's Man" (Monogram).

ARCHIE MAYO will direct BARBARA STANWYCK in her next picture, "Gambling Lady" (Warners).

CHESTER MORRIS has had his contract renewed for another year by Universal.

GENE FOWLER'S latest, "Timber Line," has been acquired by M-G-M.

W. THORNTON MARTIN has sold "The Gravy Game" to M-G-M.

ROBERT NATHAN'S "One More Spring" has been sold to Fox.

A. W. Smith on the Road

With all deals on the 1933-34 product closed in the east, he says, A. W. Smith, in charge of Warners eastern and Canadian sales, left last night for a two-week tour of exchanges which will include Cleveland, Indianapolis, Cincinnati, Detroit, Pittsburgh, Buffalo, New Haven, Boston, Philadelphia and Washington. He intends to discuss the remaining releases on the schedule.

Cook Joins Preferred

Joe Cook, former production manager for Columbia, has joined Preferred Pictures, Inc., in a similar capacity. The company was recently organized by J. G. Bachmann, Joe Goldberg and David and Julius Schlein, with plans for the production of 12 features during the new season, the first of which is now in preparation.

Kallman in Mexico

MEXICO CITY, Nov. 22.—George Kallman, formerly with M-G-M and United Artists, is here as special representative for Columbia, handling exploitation on "Damaged Lives."

Sam Briskin to Sail

Sam Briskin, Columbia studio manager, sails on the *Conte di Savoia* on Saturday with Mrs. Briskin for a month's vacation. They will visit Italy, France and England.

"Hips, Hips" on Air

Radio has made arrangements to have Paul Whiteman broadcast the music from "Hips, Hips Hooray" on the Kraft-Phenix hour from WEAF tonight. It's a national hookup.

Laemmle to Attend Ball

Arriving yesterday from the coast, Carl Laemmle will attend the Universall ball Saturday evening before leaving for Hollywood either Monday or Tuesday.

"Henry" Hits $9,500, Lead In Pittsburgh

PITTSBURGH, Nov. 22.—Business all over town, with one exception, hit another bad period last week, the blizzard and subsequent freezing weather keeping prospective customers indoors and making the theatres resemble meeting places for sewing bees.

The one exception was the Fulton, where "The Private Life of Henry VIII" broke several house records to gather $9,500, more than double average trade here. The picture was the surprise of the season, building every day and winding up stronger than it opened. It was held over for a second week and may possibly stick for a third.

Elsewhere, however, things were pretty bad. At the Penn, "The Prizefighter and the Lady" was a disappointment. It received excellent notices, but took only $8,700. At the Stanley, "Female" was weak at $7,600.

At the Warner, "After Tonight" was pulled after a poor five days at $3,400, although the Pitt, with "Flaming Gold" and vaudeville, managed to hold up to $4,700 and beat par by a couple of hundred dollars.

Total first run grosses were $35,900. Average is $37,000.

Estimated takings for the week ending Nov. 18:

"AGGIE APPLEBY, MAKER OF MEN" (Radio)
DAVIS—(1,700), 25c-35c, 6 days. **Gross:** $2,000. (Average, $2,500.)

"PRIVATE LIFE OF HENRY VIII" (U. A.)
FULTON—(1,750), 15c-35c, 6 days. **Gross:** $9,500. (Average, $4,000.)

"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $8,700. (Average, $12,000.)

"FLAMING GOLD" (Radio)
PITT—(1,600), 15c-40c, 6 days. Stage: St. Clair Sisters and O'Day, Loma Worth, Harry J. Conley, Biglo and Long, "Footlight Revue," Bayes and Speck and "Melody Cruise." **Gross:** $4,700. (Average, $4,500.)

"FEMALE" (Warners)
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $7,600. (Average, $9,000.)

"AFTER TONIGHT" (Radio)
WARNERS—(2,000), 25c-50c, 5 days. **Gross:** $3,400. (Average for 6 days, $5,000.)

"Henry" Sets Record

PHILADELPHIA, Nov. 22. — "The Private Life of Henry VIII" broke the house record for the Aldine recently. Ushered in with a big opening on Thursday, the picture built up on the following day, recording $400 more than on the opening day and on Saturday, took approximately $3,000, bettering the house record of $2,800 set by "The Bowery."

Sign Pauline Frederick

Pauline Frederick has been added to the cast of "The Social Register," now being produced by Marshall Neilan for Associated Film Producers Corp. at the Eastern Service Studios for Columbia release. Colleen Moore and Charles Winninger are already at work in the feature.

Joe May Coming

CHERBOURG, Nov. 22.—Joe May, German director recently signed by Columbia, has sailed aboard the *Berengaria* for New York.

Composes to Order

Hollywood, Nov. 22.—Reminiscent of the sensational "script-a-minute" writings of the late Edgar Wallace is the feat of Alfonse Corelli, musical director for Educational. He was notified that a special musical number was needed for next day's shooting. The music, an original composition complete with arrangements and individual parts for a 20-piece orchestra, was delivered promptly the next day at 9 A. M.

"Parade" $11,000 Top for Montreal

MONTREAL, Nov. 22.—"Footlight Parade" at the Palace nosed out rival attractions, building up to $11,000. "I Was a Spy," helped by a stage presentation, gave the Capitol a little better than average at $9,500, while Loew's Theatre made it $10,500, or par, with "Solitaire Man" and vaudeville.

At the Princess, "Broadway Thru a Keyhole" looked like a holdover from the previous week, but "Bitter Sweet" took the screen eventually and the take for the seven days was $5,500. Plenty of winter helped to keep the populace at the fireside.

Total first run business was $36,500. Average is $39,000.

Estimated takings for the week ending Nov. 17:

"I WAS A SPY" (British)
CAPITOL—(2,547), 25c-35c-50c-60c-75c, 7 days. Stage: Isa Kremer, vocalist. **Gross:** $9,500. (Average, $9,000.)
IMPERIAL—Musical stage show.

"SOLITAIRE MAN" (M-G-M)
LOEW'S—(3,115), 25c-35c-50c-65c-75c, 7 days. Stage: Wm. Demarest & Ruth Mix; Steve Evans; Lee Murray & Sinclair Twins; Nellie Arnault & Bros.; Mario & Lazarin; Six Royal Buccaneers. **Gross:** $10,500. (Average, $10,500.)

"FOOTLIGHT PARADE" (Warners)
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $11,000. (Average, $11,000.)

"BITTER SWEET" (U. A.)
"HIS GRACE GIVES NOTICE" (British)
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. **Gross:** $5,500. (Average, $6,000.)

Smith Gets Warner Job

PITTSBURGH, Nov. 22. — Charles Smith, formerly with the Mort Shea interests in Ohio, has just been named manager of Warners' Columbia in Brookville, Pa.

Harry Kalmine, zone manager in the Pittsburgh territory, named Smith when C. A. Clinch, for years the Columbia's head, resigned to become manager of the Brookville hotel.

Cincy Gets French Film

CINCINNATI, Nov. 22.—The first French talkie ever to be shown here will be screened on the program of the Alliance Francaise early next month. It is "A Nous La Liberte," directed by Rene Clair, who also produced "Sous Les Toits de Paris" and "Le Million."

Fewer Cuts in Virginia

RICHMOND, Nov. 22.—There has been a falling off in censor cuts during the past few weeks. These reached a record-breaking total during the summer and two or three features were rejected in toto.

Baer Picture Gets $21,000 In S. F. Week

SAN FRANCISCO, Nov. 22.—Despite the local popularity of Max Baer and his personal appearances on two days of the week, "The Prizefighter and the Lady" failed to cause much of a stir here last week. It got $21,000, $2,000 over average, but this figure was not nearly as high as expected. The women, who were expected to rave about Max's muscles, didn't turn out fast enough. Other houses were just so-so. The fourth Market street week of Mae West in "I'm No Angel" grossed $9,000, considered exceedingly satisfactory.

Total first run business was $104,000. Average is $107,800.

Estimated takings:

Week Ending Nov. 14:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
COLUMBIA—(1,200), 50c-75c-$1.50, two-a-day, 7 days, 2nd week. **Gross:** $9,300. (Average, $8,000.)

"INVISIBLE MAN" (Univ.)
GOLDEN GATE—(2,800), 25c-35c-45c-65c, 7 days. Stage: Vaudeville. **Gross:** $11,500. (Average, $13,000.)

Week Ending Nov. 16:

"TUGBOAT ANNIE" (M-G-M)
EL CAPITAN—(2,900), 10c-35c-40c, 7 days. Stage: Band. **Gross:** $10,000. (Average, $9,000.)

"I'M NO ANGEL" (Para.)
EMBASSY—(1,350), 30c-40c-50c, 7 days, 2nd week. **Gross:** $9,000. (Average, $8,000.)

"MYRT AND MARGE" (Univ.)
"SOUTH OF PANAMA" (Allied)
ORPHEUM—(3,000), 15c-35c-40c, 7 days, Rube Wolf band, girls. **Gross:** $7,000, (Average, $10,000.)

"PRIZEFIGHTER AND THE LADY" (M-G-M)
WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. **Gross:** $21,000. (Average, $19,000.)

"LADY FOR A DAY" (Col.)
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage: Ten vaudeville acts. **Gross:** $12,000. (Average, $9,000.)

Week Ending Nov. 17:

"FOOTLIGHT PARADE" (Warners)
PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days, 2nd week. **Gross:** $12,000. (Average, $12,000.)

"STAGE MOTHER" (M-G-M)
"HELL AND HIGH WATER" (Para.)
ST. FRANCIS—(1,450), 25c-40c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

"BROADWAY THRU A KEYHOLE" (U. A.)
UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days, 2nd week. **Gross:** $7,000. (Average, $8,000.)

"ELYSIA, VALLEY OF THE NUDE" (Ind.)
STRAND—(1,500), 25c-35c-40c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,000.

Canton Lyceum Deal On

CANTON, O., Nov. 22.—Local interests are understood to be negotiating for the Lyceum, former burlesque house, which they contemplate converting into a vaudefilm spot at 25 cents top.

The house has been dark for the past few years.

Hattiesburg Picking Up

HATTIESBURG, Miss., Nov. 22. — Rapid improvement of economic conditions hereabouts has prompted Saenger Theatres, Inc., to award contracts for the renovation and refitting of the Lomo which has been closed for the last five years.

Neufeld Joins Roach

HOLLYWOOD, Nov. 22.—Henry Ginsberg has signed Sig Neufeld, former production manager for Stern Brothers in the old silent days, as head of the Roach story department.

"Duck Soup" Des Moines' Top, $8,000

DES MOINES, Nov. 22.—Two $8,000 grosses featured the takes of the first runs here in the last week, the Des Moines taking that amount on "Duck Soup" and the Paramount, on the twin bill, "I Loved a Woman" and "Walls of Gold."

The Orpheum did $5,000 on the twin bill, "Right to Romance" and "Sing, Sinner, Sing." The Strand was at par, taking $4,000 on "Day of Reckoning," and the Garden up $1,000 to $4,000 on "Song of Songs," returned by request.

Total first run grosses were $29,000. Average is $24,500.

Estimated takings for the week ending Nov. 18:

"I LOVED A WOMAN" (F.N.)
"WALLS OF GOLD" (Fox)
PARAMOUNT — (2,300), 10c-35c-50c, 7 days. **Gross:** $8,000. (Average, $7,000.)

"DUCK SOUP" (Para.)
DES MOINES—(2,200), 10c-35c-50c, 7 days. **Gross:** $8,000. (Average, $6,000.)

"RIGHT TO ROMANCE" (Radio)
"SING, SINNER, SING" (Security)
Orpheum—(2,200), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $4,500.)

"DAY OF RECKONING" (M-G-M)
STRAND—(1,900), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"THE SONG OF SONGS" (Para.)
GARDEN—(1,300), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $3,000.)

"Journey," Show, $10,750 in Omaha

OMAHA, Nov. 22.—"One Man's Journey," aided by the "Strike Me Pink," staged tab, ran away with top honors here last week. The gross was $10,750, over par by $4,250.

"Footlight Parade" was also strong at $9,000 at the Paramount. This was up by $1,500. Both the World and Orpheum were weak. The former had a dual bill consisting of "Tillie and Gus" and "Solitaire Man" and the latter had "Female" and "Day of Reckoning."

Heavy competition was furnished by the annual Ak-Sar-Ben stock and horse show which played to more than 50,000.

Total first run business was $29,750. Average is $27,350.

Estimated takings:

Week Ending Nov. 15:

"FOOTLIGHT PARADE" (Warners)
PARAMOUNT—(2,900), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $7,500.)

Week Ending Nov. 16:

"ONE MAN'S JOURNEY" (Radio)
BRANDEIS—(1,750), 25c-35c-50c, 7 days. Stage: "Strike Me Pink." **Gross:** $10,750. (Average, $6,500.

"TILLIE AND GUS" (Para.)
"SOLITAIRE MAN" (M-G-M)
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $4,500. (Average, $5,850.)

Week Ending Nov. 17:

"FEMALE" (Warners)
"DAY OF RECKONING" (M-G-M)
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $7,500.)

Names Mrs. Walton

MEMPHIS, Nov. 22.—Mrs. Anna Walton was unanimously elected secretary of the M. P. T. O. of Arkansas, Mississippi and Tennessee at the 23rd semi-annual convention.

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Fox Relates Tale of Loss Of Companies

Appealed to Hoover and L. B. Mayer, He Says

WASHINGTON, Nov. 23.—William Fox took the stand before the Senate stock market investigating committee today to unravel the threads he held in the tangled skein of financial events leading up to his loss of control over the Fox Film and Fox Theatre Corps. in the hectic months following the market collapse of 1929.

It was an absorbing story in which he mentioned names high in politics as well as finance. The bitterness which he has cherished since the day he stepped into retirement crept into his testimony when he said he was "forced into a contract of sale under duress."

He sold for $15,000,000 "and other considerations," he told the committee.

Tracing the swift development of his film empire from the days in 1928 when he secured virtual control of Loew's, Inc., with the banking aid

(*Continued on page 7*)

Saul E. Rogers Now Attorney for Clarke

WASHINGTON, Nov. 23.—Saul E. Rogers, long vice-president and general counsel of Fox Film Corp. in the days when William Fox was in control, has been retained by Harley L. Clarke as his attorney in the proceedings before the Senate committee investigating stock market and banking problems. He was present today during the testimony of Fox.

Operator Charges Delayed for Code

Complaint by two operators, members of Local 306, to the local compliance board of the NRA that nine theatres in the metropolitan area were not living up to the Administration's recent ruling on working hours for union labor was heard yesterday

(*Continued on page 7*)

"Women," $109,000, Music Hall Record

Breaking all records for the house, "Little Women" garnered $109,000 for the first week at the Music Hall. Next highest gross was $107,761 with "Cavalcade" for the week ending

(*Continued on page 7*)

Code at Atlanta with Johnson; To Go Before President Today

Washington, Nov. 23.—All set for submission to the President at Warm Springs, Ga., tomorrow, the film code tonight was in Atlanta with Recovery Administrator Hugh S. Johnson. Whether it will be signed immediately is a question officials of the Administration in Washington could not answer tonight.

Columbia Net For Quarter Is $241,778

Columbus reports a profit of $241,778.63 for the quarter ending Sept. 30 after all charges, preferred dividends and provision for Federal income tax. This is equal to $1.36 per share on the outstanding common stock and compares with a profit of $220,027.98, or $1.23 per common share, for the same quarter in 1932.

The company's consolidated balance sheet as of Sept. 30 shows current assets of $6,668,942.67, against which there are total liabilities of $2,069,196.49, leaving an earned surplus of $2,212,771.46. Cash on hand totals $960,224.96, including $200,000 in U. S. Treasury certificates.

Substantial increases in foreign returns are reported, due to exchange shifts.

Dowd Made Ad Head Of the RKO Circuit

In line with the company policy, RKO has promoted John A. Dowd to the post of advertising and publicity head of the circuit. He succeeds A. P. Waxman, who recently resigned.

(*Continued on page 7*)

Paramount to Get Refund of $7,276,394

WASHINGTON, Nov. 23.—Over assessments of income tax and interest totalling $7,276,394 in favor of Famous Players Lasky Corp. and subsidiaries, now Paramount Publix, were announced today by the Internal Revenue Bureau.

More than $7,200,000 represents over assessments in 1929 returns of $216,465 for Paramount Famous Lasky and $465,863.24 for each of 15 subsidiaries, including the A. H. Blank Theatre Corp., A. H. Blank Theatre Co. of Nebraska, Connecticut Operating Co., Imperial Theatre Co., Mountain States Theatre Corp., Olympia Operating Co., Olympia Theatres, Publix Enterprises, Publix-Iowa, Publix-Nebraska, Publix-Ohio, Rhode Island

(*Continued on page 7*)

Para. May Produce At Eastern Studio

Whether "She Loves Me Not," stage play which opened Monday night at Chanin's 46th St. Theatre. and which has been purchased by Paramount, will be made in the east or on the west coast has not yet been

(*Continued on page 7*)

Milestone Says Russia Is Being Americanized

Russia is showing a marked tendency toward Americanization, declares Lewis Milestone. He predicts this process will be accelerated by recognition. Whether it will result in the importation of American films or not, he would not say, however.

Milestone has just returned from a tour of Russia, his native country, made for the purpose of studying background for "Red Square," which he will produce for Columbia on a percentage arrangement. His observations cover many phases of Russian life and include a prediction that travel between the two countries will be made easier, because it will be possible to go from Broadway to Leningrad for $80.

"Russia is the one place in the world where one can 'find something new,'" he says. "Changes take place there so rapidly it is impossible to keep up with them. Everything is different today from the situation

(*Continued on page 7*)

Regional Dual Fight Planned In Wisconsin

MPTO Adopts Scheme—To Ask Aid of Exchanges

By RED KANN

MILWAUKEE, Nov. 23.—Declaring double features an uneconomic practice, the M. P. T. O. of Wisconsin, in the final convention session today, voted to rout out the practice through the establishment of regional districts, and coupled with that plan a move seeking the 'cooperation of distributors to set back release dates to six months or beyond for the purpose of discouraging twin bills with those exhibitors who insist on playing them.

Cooperation of distributors is essential to the success of the proposed plan, but in view of the fact that most major distributors, barring Universal and Columbia, made opposition to duals clear all through the Washington code developments the inference is that Milwaukee exchanges may play along with this idea, which represents a new method of disposing of double features.

Admitting it cannot compel exhibitors to drop duals, if contrary-minded, Fred S. Meyer, who today was reelected president of the state unit for the third year, pointed out delayed release dates will prove a compellingly significant factor in the success of the scheme, if exchanges go along. The regions into which Wis-

(*Continued on page 6*)

Iowa-Nebraska Unit To Keep L. F. Martin

DES MOINES, Nov. 23.—Allied of Iowa and Nebraska has refused to accept the resignation of Lester F. Martin as secretary and treasurer. It was tendered after Abram F. Myers had notified Martin that he had been removed from the board of directors of Allied States and the Iowa and Nebraska unit had been dropped from national affiliation.

The unit has decided to continue as an independent and Clifford Niles has written to Myers informing him of the organization's stand.

Replacing Tracy to Cost M-G-M Heavily

HOLLYWOOD, Nov. 23.—Louis B. Mayer's decision to cancel Lee Tracy's contract after sending a telegram to President Abelardo Rodriguez of Mexico apologizing for what was

(*Continued on page 7*)

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Miss Henry to Tour

Paramount is set on building up a new list of players whose possibilities point to stardom in the near future. Among the list is Charlotte Henry, Brooklyn girl, recently signed for "Alice in Wonderland." Miss Henry shortly leaves on a personal appearance tour with the picture as a preliminary build-up. The studio is now looking for a suitable vehicle for the newcomer's second film role.

Sam Harris Goes Film

The Sam H. Harris Theatre has switched from legitimate to pictures. Showings will be continuous from 8 A. M. to 2:30 A. M. at popular prices, with program changed Monday, Wednesday and Friday. The house has been renovated and new sound equipment installed.

James M. Brennan Dead

James M. Brennan, 60, Jersey City theatre builder and operator, is dead at his home there as the result of a heart attack. He was owner of three houses in Jersey City—the Orpheum, Monticello and Majestic.

Knoble Gets Peekskill

Ben Knoble has added the Peekskill, Peekskill, N. Y., to his local circuit, which includes theatres in Irvington, N. Y.; Poughkeepsie, Mt. Vernon and Brooklyn.

M-G-M Signs Felix

HOLLYWOOD, Nov. 23.—As a result of his work on "Dancing Lady," Seymour Felix, dance director, has signed a long-term contract at M-G-M.

Looking 'Em Over

"The Ghoul"

(Gaumont-British)

Add Boris Karloff's latest to the list of horror pictures that make the hair stand on end. It is fantastic, gruesome at times, and even moribund towards the end. Acting all around is topnotch and the photography and settings round out a swell contribution for thrill-seekers.

Believing that a precious jewel belonging to the Egyptians and for which he has paid 75,000 pounds will bring him eternal life after he has passed from this world, Karloff has his servant, Ernest Thesiger, tape it in his fist. There are many after the priceless jewel, among them the servant, who steals it after his master is dead. Karloff comes back to life and stalks through his mansion terrorizing his lawyer, niece, nephew, minister, and others in the place. He kills a few of the spectators before he himself is murdered by the Egyptian idol.

The story does one good deed in that it brings together Anthony Bushell and Dorothy Hyson. Cousins on the outs because of a family rift, both forget the past in their excitement at their uncle's house.

Radio Closes Deal For South America

Radio will be assured of wide distribution of its product in the South American market through a deal just closed by Phil Reisman with Max Glucksman, distributor and owner of a South American circuit, for the company's entire 1933-34 list. Besides 52 features the deal involves Radio's complete two-reel comedy line-up and Pathe News.

George Johnson a Dad

HOLLYWOOD, Nov. 23. — George Johnson of M-G-M's local publicity department is passing out the cigars due to the arrival of an eight-pound boy, born to Mrs. Johnson at the Monte Sano Hospital.

Baez in From Brazil

Enrique Baez, general manager for United Artists in Brazil, arrived in town yesterday aboard the *Pan America* for conferences on the new season's product. He will be here six weeks.

"Buried Alive" New Title

"Buried Alive" is the new title of "It's a Wise Wife," which Arthur Hopkins produced independently for Paramount.

E. M. Saunders Says Midwest Picking Up

MILWAUKEE, Nov. 23.—E. M. Saunders, western sales manager for M-G-M, spent the day here, arriving from Minneapolis and leaving for New York tonight on a final swing of a midwestern trip. He reports business improving on the whole in the St. Louis, Denver, Kansas City and Minneapolis territories.

Moe Silver today went into session on Warner Wisconsin theatre operations with David Weshner.

Fox to Build Mundin

HOLLYWOOD, Nov. 23.—Because of letters from theatre men, Fox executives are planning to build Herbert Mundin to starring comedy roles.

The first step along this path was to enlarge Mundin's role in "Heir to the Hoorah" in which he will get equal billing with George O'Brien.

Schmidt Joining Loew's

Art Schmidt, former advertising director of the Publix-Kunsky houses in Detroit, joins the publicity department of Loew's Theatres here Monday as assistant to Ernie Emerling. Another addition to the staff is Perry Spencer, who will do publicity for Loew houses in the Bronx.

Warner Down 1⅝ as Stocks Recede

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	28	26½	27⅛	+ ⅛	3,200
Consolidated Film Industries, pfd	9½	9⅛	9¼	— ½	700
Eastman Kodak	79¾	76¾	76¾	—1½	1,300
Fox Film "A"	14	13¾	13¾	— ¼	500
Loew's, Inc.	30½	29	30	— ⅛	400
Paramount Publix	1½	1⅜	1⅜	— ⅛	2,000
Pathe Exchange	2	1⅝	2	+ ⅜	1,700
Pathe Exchange "A"	11¼	10½	10½	.....	1,700
RKO	2¼	2¼	2¼	.....	200
Warner Bros.	6½	6⅛	6⅛	— ⅛	4,900
Warner Bros., pfd	18½	18½	18½	—1⅝	100

Technicolor Takes a ⅜ Loss

	High	Low	Close	Net Change	Sales
Technicolor	1½	1½	1½	— ⅜	100
Trans Lux	1⅞	1¾	1⅞	+ ⅛	200

Loew Bonds Rise as Others Drop

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3⅝	3½	3½	— ½	3
Keith B. F. 6s '46	45	45	45	.....	3
Loew's 6s '41, ww deb rights	81	80½	80½	+ ¾	4
Paramount F. L. 6s '47	22⅝	22⅝	22⅝	—1⅜	2
Paramount Publix 5½s '50	24	24	24	.....	1
Warner Bros. 6s '39, wd	40⅞	40	40	— ⅜	33

Purely Personal

STOOPNAGLE and BUDD, when they get back from their personal appearance tour next week, will begin rehearsals on their first comedy to be produced by AL CHRISTIE here for Educational.

JOE HENABERY will start direction today on a "Pepper Pot" novelty featuring SIGMUND SPAETH, at the Vitaphone studio. BETTY KEAN and JACK REESE, dance team, will support SPAETH.

SARITA ROMERO, BRANDON PETERS and NORMA TAYLOR are in the cast of the Coronet Comedy CHARLES JUDELS and TOM PATRICOLA are making for Educational at Eastern Service.

FELIX FEIST, TOM CONNORS, J. J. UNGER, MILT KUSELL, HERMAN GLUCKMAN, E. H. GOLDSTEIN and MAX WEISFELT among Sardi patrons yesterday.

ROY MACK will start another "Broadway Brevity" for Vitaphone tomorrow. DOROTHY STONE will be featured.

EDGAR BERGEN, ventriloquist, will be featured in another Vitaphone short about Dec. 2, under direction of JOE HENABERY.

JACK WHITE starts shooting today on his third comedy for Educational at the Eastern Service studio in Astoria.

BEN BLUE has completed work on his third short at the Vitaphone plant in Brooklyn.

PAUL MUNI, accompanied by the missus, is expected soon on a visit here.

EDDIE CANTOR returns today from Warm Springs, Ga., and a visit to the President.

WERA ENGELS, Radio star, is in town. At the Lombardy.

HOWARD S. CULLMAN returns today from Washington.

L. J. SCHLAIFER has returned from a quick trip to the Windy City.

SAM KATZ yesterday visited Loew headquarters.

JACOB WILK is planning to leave for the coast this week.

March Starts Feb. 1

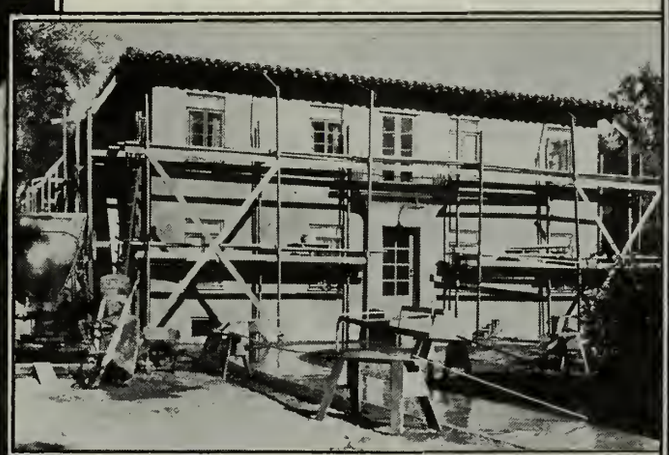
HOLLYWOOD, Nov. 23. — Fredric March, it was learned today, will begin work under the long term contract he signed with 20th Century yesterday on Feb. 1. He will be free to make a picture for any other company before that time.

Lubitsch Going to Coast

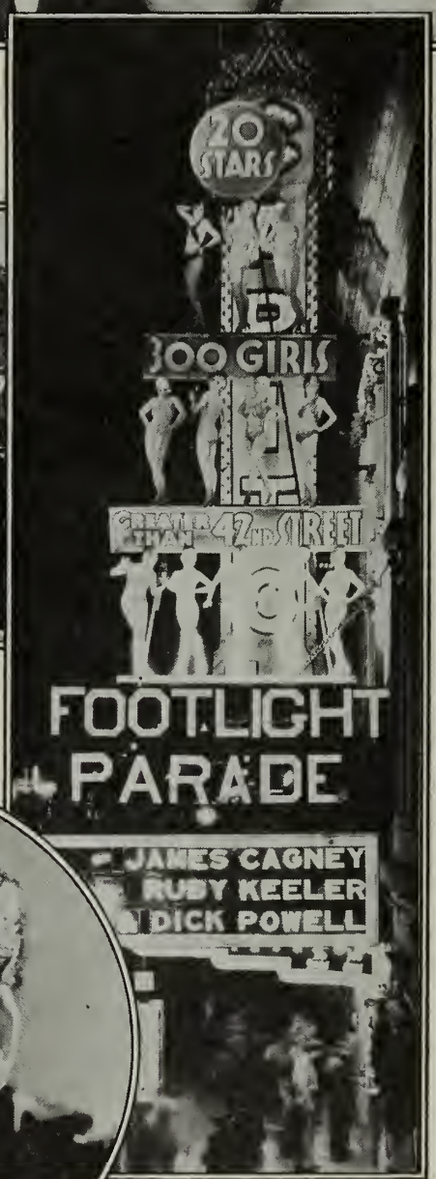
Ernst Lubitsch leaves for the coast tomorrow. He has not yet decided on his next picture. Negotiations with M-G-M to direct "The Merry Widow" will be continued on the coast.

NEWS OF THE WEEK IN PHOTO-REVIEW

ALL DATED UP for Yule period is Joe E. Brown, with 240 bookings already set for his 'Son of a Sailor,' scheduled for Dec. 23rd release.°



IMPORTANT ADDITION to Warner studio is new writers' building, to house 30 scenarists on 'coast's largest contract list.'



WANDA HALE HAILS 'Havana Widows' as 'Hilarious — riotious — up-roarious!' in *N. Y. Daily News* rave for Warners' new 6-comic show.°

BOSTON'S BEST BIZ goes to Chatterton's 'Female' at Met, in *M. P. Daily* check-up of week's gross leaders.°

'A ROYAL WELCOME' says *Variety* in report of 'excellent biz' in Baltimore, Chicago and Washington for Paul Muni's 'The World Changes.'°

NOVEL USE of 24-sheet cutouts featured campaign that added Sioux City to the 82% of 'Footlight Parade' dates which have topped Gold Diggers.'*

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

WHEREVER A HUMAN HEART BEATS

NEW YORK
CITY OF 7,000,000

THE SEVENTH DAY GREATER THAN THE FIRST...AND THAT BROKE RECORDS AT RADIO CITY...

Thursday . . .	November 16,	23,073
Friday	November 17,	23,033
Saturday . . .	November 18,	28,354
Sunday . . .	November 19,	22,915
Monday . . .	November 20,	21,561
Tuesday . . .	November 21,	23,148
Wednesday .	November 22,	23,761

now read the

165,845 PEOPLE

In A Single Week! . . . Eye-Staggering Figures! and Continuing Indefinitely At Radio City!

★ ★ ★ ★

KATHARINE HEPBURN in "LITTLE WOMEN"

by LOUISA MAY ALCOTT...with JOAN BENNETT..PAUL LUKAS.. FRANCES DEE..JEAN PARKER..EDNA MAY OLIVER..Douglass Montgomery..Henry Stephenson..Directed by GEORGE CUKOR

MERIAN C. COOPER, Executive Producer..Kenneth Macgowan, Associate

. . THE ANSWER IS THE SAME!

SALEM, VA.
TOWN OF 5,000

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

BY DIRECT WIRE FROM

WESTERN UNION

1225

SIGNS
DL = Day Letter
NM = Night Message
NL = Night Letter
LCO = Deferred Cable
NLT = Cable Night Letter
WLT = Week-End Letter

NEWCOMB CARLTON, PRESIDENT

J. C. WILLEVER, FIRST VICE-PRESIDENT

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

NE24 124 DL XC=SALEM VIR NOV 23 108P

NED E DEPINET=RKO DISTRIBUTING CORPORATION=

FOR THE THIRD TIME IN MY TWENTY YEARS IN THE BUSINESS I FEEL IT MY DUTY TO DO A RAVE OVER A PICTURE STOP LITTLE WOMEN OPENED IN THE SALEM THEATRE SALEM VIRGINIA A TOWN OF FIVE THOUSAND THEATRE SEVEN HUNDRED SEATS AS A TEST SHOWING LAST SATURDAY STOP THE PICTURE HAS PLAYED TO THREE TIMES AS MANY PEOPLE IN THREE DAYS AS ANY FULL WEEK SINCE THE HOUSE OPENED FOUR YEARS AGO AUTOMOBILES TRUCKS AND BUSES ARE BRINGING THEM IN FROM A RADIOUS OF THIRTY MILES STOP HAVE ARRANGED TO HOLD THE PICTURE OVER FOR ANOTHER WEEK AND BUILDING GROSSES NDICATE A THIRD WEEK POSSIBLE A FOURTH LITTLE WOMEN WILL DO HE BUSINESS MORE GOOD THAN ANYTHING PRODUCED SINCE ITS NCEPTION STOP GRATEFULLY=

BERNARD DEPKIN JR VIRGINIA THEATRE MANAGEMENT CORPOR

159P.

PATRONS ARE REQUESTED TO FAVOR THE COMPANY BY CRITICISM AND SUGGESTION CONCERNING ITS SERVICE

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

Regional Dual Fight Planned In Wisconsin

(Continued from page 1)

consin will be divided is a job for determination by the board of directors, which, for the ensuing year, jumps from 18 to 21. Planned, as well, is the appointment of regional vice-presidents to watch and enforce the double feature elimination program.

Oppose Suggestive Ads.

As forecast in the MOTION PICTURE DAILY, the Wisconsin unit went on record in strong opposition to salacious advertising in any form. It also voted for rigorous enforcement of the Hays morality code, also to support the NRA and any code which may be enacted for the industry, thereby making it clear the organization was not necessarily in accord with code forms so far advanced.

President Roosevelt and Administrator Hugh S. Johnson will be informed of the organization's action by telegraph.

The music tax of 10 cents per seat under the present copyright law was frowned upon by the organization, as forecast, and a decision was made to fight it through the national M.P.T.O.A.

Concerned over non-theatrical competition, Meyer's suggestion that the M.P.T.O.A. be the last word in determining what is or what is not competition of that type was adopted, and exchanges will be advised non-theatrical accounts must be handled according to this mandate.

Meyer Scores Victory

Meyer scored another victory, as did Jack Miller's blast on Wednesday against ineffectual exhibitor organizations, when the Wisconsin unit voted to increase membership dues from five to 10 cents per seat. A check of the financial committee showed 137 paid-up members, but Meyer pointed out this would be all right with him if the total were only 15.

"Those 15 would be active, paying members and nobody else would get any consideration. This is one exhibitor unit which will exist because its membership is interested enough to support it," he said.

The by-laws were amended to permit exchange and union men to hold office as against former conditions under which they could not.

Next year's convention will not be held in Milwaukee, but at some mid-state point more convenient and less expensive for members to reach.

Roster Setup Changed

Changes in the official roster included the election of Jack Silliman of Appleton as vice-president, succeeding A. C. Gutenberg of Milwaukee. W. L. Ainsworth of Fond du Lac and Ernest Langemack of Milwaukee were re-elected secretary and treasurer, respectively. H. S. Gallup of Marquette, Mich., George Huebner of Oconomowoc and Max Krofta of Racine were dropped as directors, but the following were reelected: Ainsworth, A. C. Berkholtz, West Bend; H. C. Buchanan, Superior; Frank Koppelberger, LaCrosse; Martin Thomas, Iron Mountain, Mich.; L. F. Thurwachter, Waukesha, and the following from Milwaukee — Earl and George Fischer, H. F. Fitzgerald, J. S. Grauman, Gutenberg, Langemack, Paul Lengheinrich, Jr., Meyer and David E. Weshner. New directors are: William Roob, Port Washington; Robert Guiterman, Manitowoc; Silliman, Appleton; Ross Baldwin, A. D. Kvool and Johnny Jones, the latter three from Milwaukee.

The Wisconsin meetings carried many national convention aspects, and from several angles turned out to be a personal tribute to Meyer.

Deputy NRA Administrator Sol A. Rosenblatt, at the dinner Wednesday night, paid the Wisconsin president a high compliment when describing him as one of the real exhibitor leaders of the nation.

Meyer actually was not anxious for reelection to the state presidency, but what Wisconsin M.P.T.O. men thought of him was evidenced by the fact that nominations opened and closed with his name.

Rebuilding Started On Virginia Houses

RICHMOND, Nov. 23.—Reconstruction of a number of theatres in Virginia shore towns damaged in storms of recent months is under way and an air of optimism is becoming apparent among exhibitors.

The NRA is credited with much of the recent improvement, and the prospect that the state will receive $35,000,000 for public works projects during the winter is viewed as another hopeful sign.

Ann Harding Given Role in "Alien Corn"

HOLLYWOOD, Nov. 23.—"Alien Corn," which Radio purchased from E. H. Griffith, who bought it from Paramount, will top spot Ann Harding and not Katharine Hepburn as reported earlier.

Griffith draws the directional assignment on the picture.

London Plant Has 3 More

LONDON, Nov. 23.—With "Catherine the Great," starring Douglas Fairbanks, Jr., out of the way, the London Film Productions studio has three more to go in its schedule of five pictures, all of which are for U. A. release. "The Private Life of Henry VIII" was the first. "Exit Don Juan," with Douglas Fairbanks, Sr., is now in preparation. This will be followed by "Zorro Rides Again," in which Doug, Jr., and Doug, Sr., will be starred, and "Congo Raid."

IATSE Blocked in K.C.

KANSAS CITY, Nov. 23.—I.A.T.S.E. operators' local here has been restrained by a temporary injunction from interfering with the operation of the surburban Sun Theatre. The injunction will be in force until further order of Circuit Court and replaces the restraining order recently issued following the release of stench bombs in the house.

"Be Mine" on 19 Weeks

ROCHESTER, Nov. 23.—"Be Mine Tonight" has just closed after a run of 19 weeks at the Little Theatre. This is a record for this town.

U. A. After Talent

Addition of the Four Marx Brothers and Fredric March to the United Artists roster is the forerunner of a list of new personalities which will grace the company's line-up next season. Several other deals involving a number of players are under way and expected to be closed shortly.

Six Star Headliners Entertain the AMPA

Al Christie, Ernest Truex, Howard Smith, Ona Munson, Stanley Smith and Gary Cooper yesterday entertained members of the A. M. P. A. at the weekly meeting. Christie told of his experiences when he started production work in Staten Island and later invaded Hollywood 22 years ago. Truex related his experiences in making "The Warrior's Husband" and said he would go on the air next Tuesday for the first time.

Howard Smith said all story selections for 20th Century are made with an eye on exploitation, advertising and publicity possibilities. Miss Munson and Stanley Smith sang "Peanuts and Kisses" while Gary Cooper was content to acknowledge the invitation in a few words.

Exactly $53.50 was collected for the *Film Daily* Relief Fund. The next meeting will be held on Wednesday and a turkey will be presented to one of the men. Paul Whiteman will also appear.

FWC Intermountain Contest Is Closed

DENVER, Nov. 23.—The "New Show Year" contest, run off between managers in the Intermountain Division of F. W. C., produced excellent results at a cost of about $25 a theatre.

Practically all of the houses showed a profit during the campaign. One of the rules was that future salaries of all managers would be set according to results produced in the contest, and as a result some salaries were raised and only a few were cut.

The prize winners and the amounts won are: Harry Moore, Egyptian, Delta, Col., $250; E. C. O'Keefe, Babcock, Billings, Mont., $150; George Paper, Longmont, Longmont, Col., $100; Don Sheedy, Rio Grande, Las Cruces, N. M.; William Fowers, Jr., West, Trinidad, Col.; Fred Bezold, Lotus, Sheridan, Wyo., and Ed Marquand, America, Ft. Collins, Col., $50 each.

Chet Miller, city manager at Cheyenne, Wyo., won a silver loving cup for the best advertising campaign.

E. K. Taylor, Wilma, Missoula, Mont., won a wrist watch given for the best record in theatre maintenance.

Carroll Joins Rogers

HOLLYWOOD, Nov. 23.—Richard Carroll, former story editor at Fox, is now aligned with Charles R. Rogers, where he is now completing a special assignment on "Green Gold." Carroll has just returned from South America, where he collaborated with Rex Beach on the story dealing with the banana industry. Howard Estabrook is writing the screen play.

Kansas Censoring Proposal Opposed

KANSAS CITY, Nov. 23.—Proposal by a Kansas state representative to alter the state censorship system and make it more rigid is receiving scant attention from the legislators at Topeka. The legislative council refused to consider the bill, which would classify films by groups according to "moral standards." While the measure may yet be introduced in the present session, it is not believed it would have much chance for passage, as it lacks administration approval.

Additional information on the proposal received here reveals that the classifications of morality in which films would be grouped would have to be "prominently displayed" in all advertising. Children under 18 would be barred from pictures in the lower "moral" brackets. Violations of the provisions would be punishable by a fine of $100 to $500 or jail sentence up to six months.

Reform organizations and churches are said to be behind the movement. Ministerial alliances in Kansas have been agitating for more rigid censorship and action on Sunday shows by the legislature. Representative C. H. Palmer, who fathered the new censorship system, hails from Coffeyville, which recently had a bitter Sunday show fight.

Rumor Comerford to Get 2 in Rochester

ROCHESTER, Nov. 23.—Reports are current here that Publix will turn over the 2,259-seat Century and 1,500-seat Regent to M. E. Comerford, who now operates the Capitol.

It is also rumored that Comerford, once in control, will seek to lease the Eastman, which has been used only occasionally under University of Rochester auspices since Publix surrendered its lease two years ago.

Paramount and Comerford officials refused to discuss the report here yesterday.

Saenger Houses Open

NEW ORLEANS, Nov. 23.—Reopenings in this territory are: Saenger's Alamo, Vicksburg, the Lomo, Hattiesburg, both under district direction of Howard W. McCoy for Saenger. The Shreveport Venus is installing new sound and the Star is getting new seats.

Le Roy to Bring Party

HOLLYWOOD, Nov. 23.—Mervyn Le Roy is planning to take 30 of his close friends and relatives to New York with him for his wedding to Doris Warner on Jan. 3. The Le Roys will leave on a world tour starting Jan. 4.

Abdullah Joins Columbia

HOLLYWOOD, Nov. 23.—Achmed Abdullah draws a writing assignment from Columbia to work up an original story around the title, "Too Tough to Kill." The picture will feature Jack Holt.

Drop 2-Man Ordinance

CANTON, Nov. 23.—The City Council has tabled indefinitely an ordinance sponsored by the Operators' Union, requiring that two men be employed in a booth. Exhibitors protested.

Paramount to Get Refund of $7,276,394

(Continued from page 1)

Theatres, Southern Enterprises of Texas, Tennessee Enterprises and Toledo Paramount Corp.

The remaining $71,980 represents over assessments of small sums in returns running as far back as 1922 against Famous Players Lasky, Paramount Famous Lasky, Metropolitan Film Co. of Texas, Miami Enterprises, Rialto Theatre Corp. of Virginia, Park Realty Co., New York and Pacific Coast Amusement Co., Fountain Theatres Corp. and Missouri Theatre Corp.

Sono, Metropolitan Awarded Trust Fund

Referee Henry K. Davis has handed down a decision instructing trustees of Paramount Publix to turn over to the trustees in bankruptcy of Sono Art Co. and Metropolitan Sound Studios, Inc., the sum of $15,388.65, claimed by them as a trust fund.

The matter has been in dispute for some time. It developed over the distribution of "Honeymoon Lane" by Paramount. This was produced by Sono Art. The studios claimed the funds on an assignment from Sono Art. When Paramount went into bankruptcy the trustees decided that Sono Art and Metropolitan were general creditors only. Both are in bankruptcy.

As a result of the decision the Sono Art and Metropolitan trustees can now determine between them which is entitled to the fund. Alvin T. Sapinsley represented Metropolitan and Keppler & Keppler were attorneys for Sono Art.

Henry Seigel Quits Para. N. Y. Exchange

Henry Seigel yesterday resigned as New York branch manager for Paramount to return to exhibition. He now has three theatres and intends to devote his future to development of a circuit in the metropolitan area. Before joining Paramount Seigel sold a number of his theatres to Fox Metropolitan Playhouses.

With the resignation of Seigel, Milton Kusell has promoted Myron Sattler from New Jersey sales head to succeed him. Edward Bell, Brooklyn salesman, has been elevated to New Jersey exchange manager and Jack Perley, New Jersey salesman, switches to the Brooklyn territory. Frank Blakeley of the home office is now selling across the Hudson.

Para. Holds Mae West

HOLLYWOOD, Nov. 23.—Paramount has exercised its option on Mae West, discounting reports she would join United Artists. After the star finishes "It Ain't No Sin" she will make two a year for three years.

Sachson Quits Special

Milton Sachson has tendered his resignation as treasurer of Special Screen Service, Inc. No successor has been named yet.

Milestone Says Russia Is Being Americanized

(Continued from page 1)

when I last visited Russia. With a book in hand which was published only 10 years ago, it became necessary for me to look over every locale mentioned in order to do justice to the subject.

"In every way the trend is to go American, something that will be greatly accelerated by the change in official relations.

Writers Highly Paid

"The writer in Russia enjoys greater rewards than elsewhere, if his product warrants, but woe betide him if he undertakes to improve his product or increase his output through employing others as 'ghost writers.' This practice, so largely indulged in by 'great names' in this country and which had its prototypes in Europe, would bring for the offender severe punishment.

"It is forbidden because it amounts to exploiting the 'ghost writer.' And the same applies to the cartoonist and every other creative activity. Cartoonists are very naturally rated high in a land where everything is brought to pass through appeal to the imagination.

"As for playwrights, Russia is their happy hunting ground today. Everyone who has an idea to express within the limitations imposed by the government can find a way to bring it before the public. Every grade of entertainment is encouraged, ranging from the wonderful ballet, opera and classic drama to propaganda burlesque based upon these very things.

"It is amazing to observe the physical beauty of the theatres, the gorgeousness of production, costuming, etc., as contrasted with the drab attire of the audiences. The latter are too serious in purpose to be concerned with personal adornment.

"Alfred Lunt and Lynn Fontanne agreed with me that in its every phase the Russian theatre is far ahead of the rest of the world. No American producer could afford to pay the salaries of the excellent casts that are provided on the theory that if a production is worthy of doing, it is worth doing well.

"The gift Russian players have for ensemble work as opposed to purely individual effort also is a big help. The two artists mentioned had just left Russia when I was heading that way and they prepared me for many surprises."

Lots of Rubles

Lewis Milestone says Russia is a writer's paradise, claiming that scribblers are paid 30,000 gold rubles a month.

At approximately 86 cents, the present rate of exchange for a gold ruble, this is quite a salary, but the hitch is that one cannot take the money out of the country.

Operator Charges Delayed for Code

(Continued from page 1)

afternoon by Thomas J. Donavan at the NRA headquarters.

After listening to Milton Weisman, attorney for the I.T.O.A., who stated that these houses were not wilfully operating outside the NRA hour limit, and that the proposed code will supersede the President's Recovery Agreement, Donavan decided to postpone any action until the industry code has been signed by the President.

William Small, executive of the I.T.O.A., said that if the NRA wanted to check on theatres violating the hour limit he could name at least 50.

After an argument with Weisman, Samuel Birnbaum, attorney for Local 306, left the meeting room and was not present when Donavan heard the I.T.O.A attorney's answer to the charges.

Those houses listed as not complying with the hours set up by the NRA, according to a letter written to Donavan by Birnbaum, were: the Eagle, Third Ave.; Monroe, First Ave.; Ritz, East 180th St.; Bronx Star, Southern Blvd.; Art, Southern Blvd.; 79th St., Second Ave.; Sanders, Prospect Ave.; Globe, Brooklyn, and Central, Broadway.

Maynard Back After Flu

HOLLYWOOD, Nov. 23.—Recovered fully from his recent attack of influenza, Ken Maynard has resumed work in Universal's "Wheels of Destiny."

Replacing Tracy to Cost M-G-M Heavily

(Continued from page 1)

termed the actor's "deplorable behavior" will cost M-G-M $100,000, it is said. The producer's action will force the company working on "Viva Villa" to remain in Mexico for the refilming of scenes in which Tracy appeared. Roscoe Karns will probably replace him. The excitement over the whole thing has so worn down Howard Hawks that he is stepping out as director in favor of Jack Conway.

"Women," $109,000, Music Hall Record

(Continued from page 1)

April 12 last. Exactly 166,000 customers paid their way in during the first week of "Little Women."

Universal's "Counsellor at Law" is definitely set to follow the Radio picture, which is to go two more weeks The Universal film is penciled in for a fortnight.

Para. May Produce At Eastern Studio

(Continued from page 1)

settled. However, Laurence Schwab will produce it for Paramount with Bing Crosby in the leading male role and Polly Walters opposite. Also in the cast will be Jane Buchanan and Burgess Meredith.

Schwab is in favor of making it in the east, but Paramount has not definitely decided on the production spot.

Fox Relates Tale of Loss Of Companies

(Continued from page 1)

of Halsey, Stuart & Co., he described a visit to Col. William J. Donovan when it was generally understood that Donovan would be attorney general in the Hoover cabinet. This was after Hoover's election and before the inauguration. His purpose was to secure assurances against prosecution under the anti-trust laws. He became alarmed, he said, when Donovan failed of appointment and later appealed directly to President Hoover at a White House luncheon, after seeing Claudius H. Houston, chairman of the Republican National Committee, and James Francis Burke, then the committee's attorney. Other names he mentioned were those of Samuel Untermyer, his counsel during those exciting days, and Chief Justice Charles Evans Hughes, whose law firm also figured in the litigation.

Outlining how he had been forced to sell his properties, Fox charged a conspiracy to force him out of the picture business by Halsey, Stuart & Co., Harley L. Clarke and "12 or 13 banks in New York."

Closely following the story he had told in the book, "Upton Sinclair Presents William Fox," which he sought to offer as an exhibit, but which was refused in order that the committee might have the tale from his own lips, Fox related how he had approached Donovan, then assistant attorney general, before purchasing the Loew stock in 1928 to make sure he would not violate the anti-trust laws, and was told, he said, that the purchase would be all right.

Before he visited President Hoover at the White House to learn whether the new administration would hold a different attitude, Burke and Houston were secured by Fox as intermediaries, he said, but he was told by the President he would need no third party to conduct his negotiations with the Department of Justice. Burke and Houston, he testified, recommended that he make a settlement with Louis B. Mayer, who had a contract with Loew's and was wondering what would happen under Fox management. Fox arranged a payment of $2,000,000 to him, he said.

Leading up to the time when he lost control of his companies, Fox related the story of his first meeting with Clarke in 1927 which led to the formation of Grandeur Pictures. He began a recital of the stirring events following the stock market crash which left him with $90,000,000 in short term notes due for payment.

Tomorrow he will tell the committee of the agreement of April 7, 1930, which eventually forced his retirement from the industry.

Dowd Made Ad Head Of the RKO Circuit

(Continued from page 1)

Robert Sisk will continue to handle all advertising for Radio City.

Elliston Vinson, who has been managing Scollay Square, Boston, is joining the company to handle general exploitation and publicity.

Capitol Holds Fight Picture With $52,950

"The Prizefighter and the Lady" developed enough strength at the Capitol to rate a holdover. It took $52,950, aided by Kate Smith in a revue.

"Only Yesterday" stood up strongly in comparison with some of the recent Music Hall attractions, pulling $75,069 on the week.

Elsewhere Broadway business developed nothing outstanding. "The Way to Love" took $30,500 at the Paramount, "The Mad Game" garnered $19,000 at the 7th Avenue Roxy and "College Coach" took only $9,788 at the Strand. "Blood Money" grossed $17,300 at the Rivoli and "Sweetheart of Sigma Chi" reached $11,000 at the Mayfair.

Estimated takings:

Week Ending Nov. 14:

"SWEETHEART OF SIGMA CHI" (Monogram)
MAYFAIR—(2,300), 35c-85c, 8 days. **Gross:** $11,000.

Week Ending Nov. 15:

"THE WORLD CHANGES" (F. N.)
HOLLYWOOD—(1,545), 25c-85c, 3rd week, 7 days. **Gross:** $10,603.)

"ONLY YESTERDAY" (Univ.)
RKO MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $75,069.

Week Ending Nov. 16:

"EAT 'EM ALIVE" (Ira Simmons)
CAMEO—(549), 25c-40c, 2nd week, 7 days. **Gross:** $4,795.

"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Kate Smith and revue. **Gross:** $52,950.

"ACE OF ACES" (Radio)
PALACE—(2,500), 25c-75c, 7 days. Stage show. **Gross:** $13,150.

"THE WAY TO LOVE" (Para.)
PARAMOUNT—(3,700), 35c-99c, 7 days. Stage: Jack Benny, Mary Livingston, Lita Grey Chaplin, and others. **Gross:** $30,500.

"TILLIE AND GUS" (Para.)
RIALTO—(2,200), 40c-65c, 7 days. **Gross:** $10,000.

"MAD GAME" (Fox)
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $19,000.

"COLLEGE COACH" (Warners)
STRAND—(2,000), 25c-$1.10, 6 days. **Gross:** $9,788.

Week Ending Nov. 17:

"AFTER TONIGHT" (Radio) (4 days)
"ACE OF ACES" (Radio) (3 days)
RKO ROXY—(3,700), 25c-55c, 7 days. **Gross:** $10,827.

Week Ending Nov. 21:

"BLOOD MONEY" (U. A.)
RIVOLI—(2,200), 35c-99c, 7 days. **Gross:** $17,300.

Pfaff New Canadian Educational Agent

TORONTO, Nov. 23.—Harold Pfaff, former Toronto manager for Canadian Educational Films, Ltd., has been appointed Canadian representative for Educational and he will be associated with Empire Films, Ltd., now distributing for the company.

Pfaff succeeds James Travis, previously Educational general manager in Canada.

Block Heads Writers

HOLLYWOOD, Nov. 23.—Ralph Block has been elected president pro-tem of the Writers' Guild during the absence of John Howard Lawson, who is expected to remain in New York for several months in the interest of two new plays to be produced there this winter.

Hollywood On Parade

By BILL SWIGART

HOLLYWOOD, Nov. 23. — Through personal and diligent attention given the formation of the newly organized Screen Actors' Guild by EDDIE CANTOR and others of equal prominence on the membership committee, the board reports that there are but four, at the most, of the outstanding stars yet to be aligned. Names will not be revealed by the official mouthpiece of the guild, because it is expected they will join the parade any moment now. CANTOR has made it obvious, both in public and in print, that he is not in personal sympathy with the Academy, and with this feeling coming from the president of the guild, it is expected at any moment that guild members will be presented with the alternative of remaining loyal to the new cause or staying with the Academy. If such a measure is adopted in the code of ethics now being worked out by the code committee of the guild, it will mean a wholesale walkout of actors on the Academy. With the Writers' Guild of the same temperament and in close association with the actors' principles of organizing their own independent organizations for protection, there will be nothing left for the Academy to hang onto but directors, technicians and producers. Even directors are considering a guild, too.

•

Since JESSE LASKY announced he would make a picture with unknown players, HUNT STROMBERG at M-G-M lost no time in making it known that he, too, would introduce an all unknown cast in "High School," which VICTOR FLEMING will direct. JOHN LEE MAHIN is now working on the script, while scouts are looking about for three girls and three boys of sufficient talent to head the cast.

•

"DAD" MILLS, 50-year-old blind man who makes his living selling newspapers, is the only legitimate blind man registered for acting parts at the studios. His last work was in "Lady For a Day." He is now portraying the role of a blind man in "Transcontinental Bus" at M-G-M.

•

IT HAPPENED SOME TIME AGO that JOHN M. STAHL played in Belasco's production of "DuBarry" at the age of 15 and followed the footlights thereafter for 14 years, appearing as a juvenile and second lead. He directed his first picture in 1914 for Vitagraph under the title of "The Boy and the Law." . . . HENRY KOLKER spoke the line, "May God have mercy on your soul" for a picture directed by WILLIAM K. HOWARD and has appeared in every picture directed by HOWARD since that time. . . . HAL ROACH began his picture career as a cowboy for Universal, later appeared in an important role for DEMILLE'S "Squaw Man" for which he received $5 and shortly after this decided to become a producer. He can't be blamed for that. . . . TALA BIRELL supported MARLENE DIETRICH when she starred in "It Lies in the Air" in 1928 in Berlin. Later on in the season MISS BIRELL succeeded MISS DIETRICH in the lead and became a reigning star in Continental Europe for three years after. . . . MIRIAM JORDAN now playing in "Let's Fall in Love" for Columbia was chosen as "Modern Miss England" at the age of 16 and was paid five pounds a week to sit in a glass cage eight hours a day for 12 weeks. They do things like that in England.

•

The M-G-M music department believes it has discovered a diamond in the rough when it came upon the melodious voice of ALBERT GEORGE, a 21-year-old laborer swinging the pick and shovel to the strains of popular ballads that happened to synchronize with the movements of his daily toil. The studio executives were notified and the young man was taken in tow to be tutored for a year without charge. After hearing him sing, it became the opinion of studio executives that he has possibilities of becoming a second John McCormack. No less!

•

NOTES OF INTEREST . . . The chef at the Paramount studio commissary was removed from his post of duty with ptomaine poison. . . . In keeping up with his army regulations, COL. TIM MCCOY is required to spend four weeks of actual service at the Presidio Army camp . . . ALAN DINEHART is playing the same role in "The Ninth Guest" for Columbia that he portrayed years ago on the New York stage. . . . GEORGE BREAKSTON, 11-year-old radio favorite known to ether fans as the boy CHEVALIER, is making his screen debut in Columbia's "Paul Street Boys." His mother is working at the same studio as a millinery designer. . . . FRANKIE DARRO, now 15, has been appearing before the camera for 11 years . . . An orchestra composed of 16 monkeys and a chimp crooner are featured in the latest MICKEY MCGUIRE comedy, "Mickey's Covered Wagon." . . . SLIM SUMMERVILLE says one of the oldest and best known hospitals in Hollywood is about to close because it is operating at a loss.

Howard Dietz Named Ad Committee Head

Howard Dietz, publicity, advertising and exploitation head of M-G-M, has been named chairman of the committee of three to administer the advertising clause in the proposed code when it is signed. S. Charles Einfeld and John Flinn are also on the committee, the latter representing the A.M.P.A.

The first meeting was held at the Hays office last Saturday with J. J. McCarthy and another is expected to be called shortly.

Alberta Grants Cut In Admission Taxes

TORONTO, Nov. 23.—The provincial government of Alberta has granted a reduction in the amusement tax. The revised scale provides a new bracket with a three-cent tax on prices from 31 to 35 cents.

From 35 to 50 cents the tax is five cents. The two-cent tax continues on tickets from 11 to 30 cents and the eight-cent tax remains on tickets from 51 cents to 75 cents. This is the first tax concession by any government in Canada in four years.

"Yesterday," At $21,200, Detroit Top

DETROIT, Nov. 23.—Zero weather pulled first run grosses down considerably last week. The Fox, which got $21,200, against a $15,000 average with "Only Yesterday," was the only house that went over par. The Michigan had the next best gross, taking in $17,300 with "Prizefighter and the Lady" against a $20,000 average. Others were off.

Total for the week was $61,000, against $77,000 average and $69,600 last week.

Estimated takings for the week ending Nov. 16:

"WORST WOMAN IN PARIS" (Fox)
"MIDSHIPMAN JACK" (Radio)
DOWNTOWN—(2,750), 15c-40c, 7 days. **Gross:** $5,100. (Average, $10,000.)

"KENNEL MURDER CASE" (Warners)
FISHER—(2,975), 15c-40c, 7 days. Stage: Jewell Players. **Gross:** $5,600 (Average, $10,000.)

"ONLY YESTERDAY" (Univ.)
FOX—(5,100), 15c-50c, 7 days. Stage: Alex Hyde, Three Sailors, Four Rhythm Queens. **Gross:** $21,200. (Average, $15,000.)

"PRIZEFIGHTER AND THE LADY" (M-G-M)
MICHIGAN—(4,100), 25c-50c, 7 days. Stage: Del Delbridge revue. **Gross:** $17,300. (Average, $20,000.)

"THE PRIVATE LIFE OF HENRY VIII" (20th Century)
UNITED ARTISTS—(2,070), 25c-50c, 7 days, 2nd week. **Gross:** $5,100. (Average, $10,000.)

"FOOTLIGHT PARADE" (Warners)
STATE—(3,000), 25c-50c, 7 days, 2nd week. **Gross:** $6,700. (Average, $12,000.)

"Parade" $17,000 Hit in Providence

PROVIDENCE, Nov. 23.—"Footlight Parade" stood them up all week to rake in a sensational $17,000 at Fay's Majestic, necessitating the holding over of the opus for another session. This was by far the biggest take of the week, all other downtown houses sticking close to average.

Loew's State was fair with "Day of Reckoning" and a strong stage show headed by Arthur Tracy. The Paramount broke even for six days at $6,500 in its second week of "I'm No Angel." The RKO Albee, once again on a straight film policy, caught $6,800 with a double feature bill headed by "Only Yesterday."

Total grosses for the week were $48,900. (Average is $40,500.

Estimated takings for the week ending Nov. 16:

"FOOTLIGHT PARADE" (Warners)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $17,000. (Average, $7,000.)

"I'M NO ANGEL" (Para.)
PARAMOUNT—(2,300), 15c-40c, 6 days. **Gross:** $6,500. (Average, $6,500.)

"THE LAST TRAIL" (Fox)
FAY'S—(1,600), 15c-40c, 7 days. Johnny Marvin, radio's "Lonesome Singer," heading stage show. **Gross:** $6,500. (Average, $7,000.)

"ONLY YESTERDAY" (Univ.)
"ABOVE THE CLOUDS" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $7,000.)

"DAY OF RECKONING" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. Arthur Tracy, the "Street Singer," heading stage show. **Gross:** $11,000. (Average, $12,000.)

"LAUGHING AT LIFE" (Levine)
"BEHIND JURY DOORS" (Chesterfield)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000.)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 124 NEW YORK, SATURDAY, NOVEMBER 25, 1933 TEN CENTS

Fox Charges $15,000,000 "Disappeared"

Insists Theatre Funds Not Accounted for

WASHINGTON, Nov. 24.—Charging that $15,000,000 "disappeared" from the Fox treasury after he lost control of his companies and had never been satisfactorily accounted for, and declaring that the companies, from which he had made millions, had never made a cent since they passed from his control, William Fox today concluded his saga of the alleged bankers' "conspiracy" to wrest from him his celluloid empire before the Senate committee investigating Wall Street.

His allegation that upon telling Albert H. Wiggin of the Chase National Bank of former President Hoover's feelings in the matter Claudius

(*Continued on page 4*)

Butterfield Circuit To Shut 8 Theatres

DETROIT, Nov. 24.—The Butterfield circuit will close eight of its state houses Dec. 2. They are expected to reopen after the holidays. They are the Bijou, Battle Creek; Palace, Flint; Capitol, Jackson; Gladmer, Lansing; Strand, Pontiac; Desmond, Port Huron; Franklin, Saginaw, and Martha Washington, Ypsilanti. It is probable that additional theatres will be closed by the circuit until after the first of the year.

Again the NRA

Milwaukee, Nov. 24.—Sol A. Rosenblatt, deputy administrator, and Harry Bell, of the Milwaukee Chamber of Commerce, unknown to each other, told the same story in the closing chapters of the Wisconsin M. P. T. O. convention, but so good was it, the gag went over twice even if some of the details varied in the telling. It concerned the NRA and the colored fellow who was asked what he thought about it.

"Swell, boss," he replied. "I used to work 72 hours a week for $7.20. Now I work 54 hours and get $14. That Negro Relief Ass'n. sure is a great idea."

Lea Chosen to Head New Code Authority Advisors

WASHINGTON, Nov. 24.—General Hugh S. Johnson has named Col. W. Robert Lea as chairman of the code authority organization committee, a new committee which will assist and advise deputy administrators and code authorities on compliance with codes. The committee will establish contacts with labor, justice and commerce departments and with the Federal Trade Commission for the purpose of furthering code compliance.

Dr. Leo Wolman, chairman of the labor advisory board; Louis Kirstein, chairman of the industrial advisory committee; Dr. Wilson Compton, of the NRA trade association division; Blackwell Smith, associate general counsel of the NRA, and Franklin S. Pollak, of the NRA compliance board, also have been appointed to the new committee.

New Theatre Code Enforcement Urged

WASHINGTON, Nov. 24.—A plan to enforce compliance by theatrical producers and managers with the legitimate code by withdrawing from any violating theatre has been proposed to Deputy NRA Administrator Sol A. Rosenblatt by Equity, the I.A.T.S.E. and the American Federation of Musicians.

Submitting their plan, the organizations voiced the view that this "direct action will be much more effective and productive of good results and enforcement of the code than any other method which might be employed," since it would result in immediate closing of a show.

Miller Again Calls For Strong Defense

CHICAGO, Nov. 24.—Again warning exhibitors, as employers, that unless they organized as strongly as employes, they faced unionization of ushers, doormen, cashiers and janitors nationally, Jack Miller today declared the drift was demonstrated in 1,700 new unions which he declared had joined the American Federation of Labor since enactment of the NRA.

Miller issued his original warning before members of the M. P. T. O. of Wisconsin and Upper Michigan in Milwaukee on Tuesday.

Coast Houses Talk Truce with IATSE

LOS ANGELES, Nov. 24.—With stage shows set to be dropped by Loew's, United Artists and Warners' Down-

(*Continued on page 4*)

Code Not Signed

Warm Springs, Ga., Nov. 24.—Administrator Hugh S. Johnson arrived here today from Atlanta with the code in his pocket and went into conference with President Roosevelt, but up to a late hour tonight no word was forthcoming as to when the document would be signed.

Twin Cities' Men Dubious Over Repeal

MINNEAPOLIS, Nov. 24.—There are two schools of thought in Minneapolis and St. Paul among exhibitors and distributors concerning the effect of repeal on the show business.

One group is adopting a more or less fatalistic attitude. It will be just another of those things that nobody can guess or do anything about, they insist, and they expect to saw wood in the same old way.

The other group is firmly convinced that the effect will be bad for a considerable time and that business had

(*Continued on page 4*)

Allied of Michigan To Meet Dec. 12-13

DETROIT, Nov. 24.—Annual convention of Allied of Michigan will be held at Grand Rapids on Dec. 12-13, at which time election of officers and directors will take place and the members will consider action on the NRA code. The convention originally was scheduled for Flint at an earlier date. Postponement was made to await signing of the code and the place changed by request of a majority of the members.

Theatres Here Told To Cut Hours to 40

All independent theatres in New York have been ordered by the NRA compliance board to limit hours of employes to 40 per week and to make the minimum wages $15.

The order is the result of complaints made by members of Local 306 and

(*Continued on page 4*)

Labor's Help Is Looked for By Kuykendall

Predicts Union Peace as Result of Code

ST. LOUIS, Nov. 24.—Ed Kuykendall, M. P. T. O. A. head, stopped off here today on his way home from Milwaukee and discussed the code at a gathering of local exhibitors in the Fox exchange projection room. He expressed the belief that the President would sign the code within a few days and advised every exhibitor to give his whole-hearted support to it, because, in his opinion, it will prove beneficial to the industry.

Answering indirectly Jack Miller's charge at the Wisconsin M. P. T. O. meet in Milwaukee, that exhibitors had been handed a "lousy deal" in the labor provisions of the code, Kuykendall said that he had received assurances from prominent labor leaders that they would cooperate in an earnest effort to attain industrial peace

(*Continued on page 4*)

St. Louis Ushers Call First Strike

ST. LOUIS, Nov. 24.—This city is in the throes of its first ushers' strike and the strikers are parading in front of the Grand Central and Missouri with umbrellas. It was only a few

(*Continued on page 4*)

On the Code

Chicago, Nov. 24.—When ushers' salaries came up at Washington, some Southern exhibitors appeared shocked at the idea of increasing their wages. "We pay them in passes," several theatremen said. Then came the ruling that salaries of employes in theatres located in towns under 15,000 were to get a flat 20 per cent increase.

"Will that mean these ushers are to get a pass and a fifth?" asked Jack Miller, who now spills the yarn publicly for the first time.

Miller also tells how some exhibitors flooded M. P. T. O. A. men with suggestions on what to do for them in the code and actually sent in their wires collect.

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Mark Dintenfass, Film Pioneer, Dead

Mark Dintenfass, one of the pioneers of the industry, and an early associate of Carl Laemmle, died yesterday at his home in Grantwood, N. J. He is survived by his wife. The funeral will take place tomorrow afternoon at 1 o'clock at the Riverside Memorial Chapel.

It was in 1903 that Dintenfass opened the second film house in Philadelphia. It was there that one of the first sound films was shown and heard. He showed pictures of Eva Tanguay and Blanche Ring, while playing a synchronized phonograph record of their then latest song hits.

Dintenfass also entered production end, making some of the first to be released in his own studios in New Jersey.

With Carl Laemmle, William Swanson, David Horsley and P. A. Powers he was one of the early dominant figures in the history of Universal.

Fred Quimby on Coast

HOLLYWOOD, Nov. 24.—Fred Quimby, short subject sales manager for Hal Roach, has arrived here for a series of conferences with Roach and Henry Ginsberg, which will stretch out over an indefinite period.

Handling 'Carnival Lady'

Hollywood Exchange is distributing "Carnival Lady" in New York. Allen Vincent portrays the leading male role opposite Boots Mallory while Donald Kerr handles the comic situations. Ken Goldsmith produced.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Woman Who Dared"

(Wm. Berke Prod.)

HOLLYWOOD, Nov. 24.—"Woman Who Dared," independent, is an above-the-average program picture.

Story deals with a business girl (Claudia Dell), the head of a textile plant, who refuses to pay protection to the racket boys against bombing, even though her board of directors advises paying. Girl dresses mannishly—throws paper weights through windows until she meets a reporter (Monroe Owsley) assigned to cover the bombing.

Transforming herself into fluffy attire, she presses the reporter into service—both romantically and in a business way. Both secure the evidence against the brains and arms of the protection mob for police use. Attendant romance and business are then taken care of.

Plot is simple and direct. Anti-racketeering angle now being campaigned in most newspapers offers good exploitation peg on which to hang ballyhoo.

Entire cast, including Claudia Dell, Monroe Owsley, Lola Lane, Robert Elliott, Bryant Washburn, Eddie Kane, Esther Muir, Matthew Betz, and especially Matty Fain, turns in nice performances.

Millard Webb directed with a sure hand, keeping his action, comedy and drama well paced and smartly-convincing all along the line.

Where straight commercials are liked this should go okay.

Looking 'Em Over

"Take a Chance"

(Paramount)

Laughs—plenty of them. Peppy tunes—scores of them. Pretty girls—lines of them. Draw names—eight of them. In other words, all the ingredients which make for a zippy musical comedy can be found in this production turned out by William Rowland and Monte Brice. Exhibitors don't have to gamble to "Take a Chance." It's there, lock, stock and barrel.

Buddy Rogers as a neophyte musical comedy producer has his trials and tribulations. Meeting June Knight, he finds the leading lady for his show, and she brings along with her James Dunn, Cliff Edwards, and Lillian Roth, all from a carnival show. In Miss Knight, Rogers finds romance. There is a misunderstanding and then they are reconciled. Dunn has been trying to get Miss Roth to become his wife. They have their innings and later agree to agree. Edwards, as Dunn's partner in pickpocketing and other phoney dealings, sticks with his pal through thick and thin, song and dance and even for the finale. Lilian Bond, Dorothy Lee and Lona Andre are the other drawing cards.

Here's a musical comedy within a musical comedy that has class and all the other trimmings which point to a box-office winner. You can't lose when you bank your money on "Take a Chance."

Eastman Up Three and Quarter

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	28	26¾	26¾	— ⅜	1,900
Consolidated Film Industries, pfd	9½	9¼	9¼	.....	100
Eastman Kodak	80¾	76¼	80	+3¼	1,800
Eastman Kodak, pfd	124	124	124	.....	1,000
Fox Film "A"	13⅝	13⅝	13⅝	— ⅛	300
Loew's, Inc.	30⅜	29⅝	30	.....	400
Loew's, Inc., pfd	68	68	68	—2	100
Paramount Publix	1¾	1⅜	1¾	+ ⅜	700
Pathe Exchange	2	1¾	1¾	— ¼	1,100
Pathe Exchange "A"	11⅛	10⅞	11	+ ½	500
RKO	2⅜	2⅛	2⅛	— ⅛	400
Warner Bros.	6⅜	6⅛	6¼	+ ⅛	2,000

Curb Exchange Inactive

	High	Low	Close	Net Change	Sales
Technicolor	10½	10½	10½	.....	100
Trans Lux	1⅞	1⅞	1⅞	.....	100

Warner Bonds Up One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¾	3½	3½	.....	5
Keith B. F. 6s '46	46	45¼	46	+1	14
Loew's 6s '41, ww deb rights	81	80¼	80½	.....	15
Paramount Broadway 5½s '51	29	29	29	.....	1
Paramount F. L. 6s '47	23½	23½	23½	.....	1
Paramount Publix 5½s '50	24	22⅞	22⅞	+1	.....
Warner Bros. 6s '39, wd	41	40¼	41	+1	8

Purely Personal

HARRAY D. BUCKLEY, LEO ABRAMS, MAX COHEN, RUBE JACKTER, ABE MONTAGUE, LOU WEINBERG, ABE SCHNEIDER, IRVING LESSER, MORRIS KINZLER, BUDD ROGERS, SOL EDWARDS and HARRY ROSE crowding the tables at Lindy's.

BUDD ROGERS shortly will make a tour of the country on behalf of Liberty Pictures, for which he is general sales manager.

GARY COOPER will make personal appearances at the Paramount starting next Friday.

JOAN CRAWFORD is booked for an "in person" date at the Capitol next week.

GUMMO MARX and L. J. SCHLAIFER talked it over at lunch together yesterday.

DOROTHY STONE and GUS SHY are working in a two-reel Vitaphone short in Brooklyn.

Lee Tracy Calls It "Misunderstanding"

HOLLYWOOD, Nov. 24.—Lee Tracy is back and he insists the Mexican incident is a "huge misunderstanding." M-G-M should have given him time to tell his side of the story before cancelling his contract, he asserts. He had one more month to go before his option would have come up for the second year. It is reported Darryl Zanuck is after him.

St. Paul Bars "Elysia"

ST. PAUL, Nov. 24.—"Elysia," nudist picture, was barred from the World here today by John H. McDonald, commissioner of public safety. George Myron, manager of the house, asked for a Federal injunction from Judge Robert M. Bell, who issued a temporary writ, returnable Monday morning.

Mary Pickford East Soon

HOLLYWOOD, Nov. 24.—Mary Pickford leaves for New York the first week in December to discuss future radio work, plays and magazine writing. This will be her third trip east this year.

Para. Meeting Set Back

A Paramount Publix creditors' hearing scheduled for yesterday morning before Referee in Bankruptcy Henry K. Davis was postponed until Dec. 4.

Para. Re-Signs Colbert

HOLLYWOOD, Nov. 24.—Claudette Colbert has signed a new contract with Paramount and her next assignment will be "Cleopatra," to be produced by Cecil de Mille.

"U" Ball Tonight

The Universal Club will hold its annual dinner-dance tonight at the Waldorf-Astoria.

In Almost Any

FEATURE PICTURE

. . . you are now likely to find sequences demonstrating that ingenious technical device, the composite shot. The foundation for those sequences is most likely to be Eastman Background Negative. Because of its amazingly fine grain, this special new film has been found ideally suited to the "shooting" of backgrounds that are to be projected and rephotographed. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN

Background Negative

Twin Cities' Men Dubious Over Repeal

(Continued from page 1)

better cut expenses and sit tight till the novelty is gone, or put on some special promotion to counteract the adverse influence.

At the Fox office in Minneapolis it was said that the return of beer had been hard on theatres during most of the summer in the smaller towns of the Northwest and that the same might be true of hard liquor. The effect would eventually wear off, it was predicted, but for a time, at least, loose money that would ordinarily find its way into the box-office will be swallowed up.

Universal officials said the only criterion by which the situation could be judged was the return of beer, but they were in some doubt whether the new situations would parallel the old. There was some feeling that hard liquor would divert a large stream of money which now passes into the underworld into what may be described as the family trade from which it would presently appear in the box-office. Warner representatives took the position that the effect of the return of liquor would not be noticeable to distributors putting out uniformly good product and M-G-M people considered the matter anybody's guess.

A Paramount executive expressed the opinion that there was nothing to fear. Other factors, he thought, would be more important than the liquor business.

"And, after all," he remarked, "the picture business knew its greatest prosperity in the old days when the saloon was a powerful competition."

In the Columbia office, something of an argument developed between one of the branch officials and an out-of-town exhibitor who declared the return of legal liquor would make things tough for a long time.

"Beer hit us hard," the exhibitor declared. "Everybody that had a nickel went for a glass of beer instead of saving several nickels and going to a show."

"Yes, but beer came in just at the time when the soft drink business would have been a big factor any way, and when the summer slump was due," the exchange man argued.

"I know, but there are 15 beer parlors within a stone's throw of my house and you can't tell me they aren't taking business away from me."

Buffalo Men Discount Liquor Sales' Effects

BUFFALO, Nov. 24.—Opinions of three representative film men on the effect of repeal on theatres:

Dave Miller, Universal exchange manager and new president of the Buffalo Film Board of Trade: "Repeal will have no direct effect on theatres. But indirectly, it may add to the money in circulation, because of increased employment in the legitimate liquor business. Films will get their share of any increase in money circulation."

Charles B. Taylor, publicity director of the Shea Enterprises, operating nine theatres in Buffalo: "None. People on the way to pictures don't drink. And as for repeal—we never had anything else in this state."

Richard D. Walsh, publicity director of the Lafayette: "Repeal will put the people in a more light-hearted mood. They will spend money more readily for amusements and less money for drinking. Americans are determined to have that which is forbidden them, when it is a matter of principle. But they will do less drinking when it no longer is an expression of defiance."

A Week Too Soon

Milwaukee, Nov. 24.—Discussing exaggerated theatre advertising, L. McMeekin, representing the Boston Store, the other day told the yarn of the kiddie impressed by the copy on next week's attraction at one of the local first runs. Turning to her mother, she said:

"We're always coming to the pictures one week too soon, aren't we?"

And another from McMeekin:

"Exhibitors are prone to exaggerate. That reminds of one fellow who just left a preview and ran into another exhibitor.

"'How was it?' asked the second.

"'Only colossal,' replied the second."

Theatres Here Told To Cut Hours to 40

(Continued from page 1)

it is estimated that it applies to 520 theatres, about 420 of which are members of the I. T. O. A.

In issuing the order Thomas J. Donovan, vice-chairman of the NRA bureau, admitted theatres might have made mistakes in working their employes 52 hours a week because exemptions had been granted when the President's blanket agreement was signed.

"Henry" Cracks All Records in Toronto

TORONTO, Nov. 24.—For the first time in 13 years a picture has been held over at the Imperial, Canada's largest house. "The Private Life of Henry VIII" went into its second week there today. The picture also broke a 10-year record for one-day receipts for this house. Manager Jack Arthur is also presenting an atmospheric prologue with the feature.

"Invisible" Piles Up $42,000 at Roxy

Breaking a three and a half year record, the 7th Ave. Roxy grossed $42,000 for the first seven days of Universal's "The Invisible Man." The picture is being held a second week. Admissions during the week totaled 128,000, which also chalks up a three and a half year record.

Producers Sailing

Gilbert and Mrs. Miller, Louis Dreyfus, Stanley Scott, Camille F. Wyn, all producers, are sailing on the *Ile de France* today. Ann Greenway, night club entertainer, also is on board.

Labor's Help Is Looked for By Kuykendall

(Continued from page 1)

on a basis that will prove fair both to labor and employers.

Admitting there are a number of things in the code that he doesn't like and that some things were left out that he would have preferred to have had in, he stated that if any of the provisions prove unfair in practice they will be changed by the code authority or local grievance boards.

Touching on the double-feature problem which is now acute here, he said that while it had been impossible to obtain absolute provisions against such exhibition in the code, there is a clause providing that if 75 per cent of affiliated and 75 per cent of independent theatres in a city approve restrictions against duals, such a rule can be put in effect.

This is at variance with the impression created by Deputy NRA Administrator Sol A. Rosenblatt in his Atlanta and Milwaukee speeches to the effect that dual bills had been left out of the code because he felt he had no authority to include anything which might injure independent producers.

St. Louis Ushers Call First Strike

(Continued from page 1)

days ago that the organization of the first ushers' union began.

The strike began yesterday because an usher was alleged to have been discharged for his union activities. Ed Burke, secretary of the union, said that the union is seeking recognition and rigid enforcement of the NRA agreement. Owners and managers of all theatres say they are living up to the President's blanket agreement pending the signing of the code and are limiting ushers' work to 40 hours a week. The wages fixed in the agreement are being paid, they say.

The new union is affiliated with the Building Service Workers' organization.

Ed Kuykendall arrived in town and commented on the strike by saying the industry code has been amended to place head ushers in a class with assistant managers as far as hours of work are concerned. The only provision is that they must not be paid less than the minimum hourly wage fixed for ushers.

Richmond Vaude Ends

RICHMOND, Nov. 24.—The National will discontinue vaudeville tomorrow night.

The National started vaudeville five weeks ago. Prior to that time, Richmond had had no vaudeville for several years and the cancellation of the National contract will leave the city again without a variety house.

M-G-M Changes Titles

HOLLYWOOD, Nov. 24.—M-G-M has changed two titles. "The Comeback" is now "The Woman in His Life" and "The Vinegar Tree" has been switched to "Should Ladies Behave?"

Fox Charges $15,000,000 "Disappeared"

(Continued from page 1)

Huston was told by Wiggin to tell the President to "mind his own business" elicted a statement from Frederick W. Gehle of the bank that Wiggin denied the entire episode.

Fox continued his story of his repeated efforts to secure financial aid for his tottering corporations and the stone walls against him when he ran in every direction, including the demand of Dillon, Read & Co. for $1,500,000 collateral for a $500,000 loan.

Discouraging conditions confronted him wherever he turned, he told the committee, declaring that he employed a number of attorneys only to discharge them because he found they were working for the bankers instead of for him.

Detailing a sale of Loew stock held by Fox Theatres and worth about $48,000,000 to Fox Film at a price of $75,000,000, Fox declared the money was used by the theatre company to pay its obligations on the Loew stock and about $15,000,000 was left.

"No one knows where it went to," he asserted. "There has never been any effort to say where it went, but 1,300 or 1,400 honest people paid $25 or $30 a share for the stock of the company."

The committee will conclude its study of the film industry on Monday with a final questioning of Harley L. Clarke.

Coast Houses Talk Truce With IATSE

(Continued from page 1)

town and Hollywood, a truce is in prospect between theatre owners and Local 33, I.A.T.S.E.

The union today called for the employment of two electricians and a swing man at the former wage scale, instead of three men at $55.50 each per week.

Schulberg Signs March

HOLLYWOOD, Nov. 24.—Despite the fact that Paramount and Fredric March failed to get together on a new contract, B. P. Schulberg has signed the actor for one picture before going to 20th Century. He will play opposite Sylvia Sidney in "Good Dame."

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 125 NEW YORK, MONDAY, NOVEMBER 27, 1933 TEN CENTS

Code Signing Outlook Still Is Uncertain

Johnson at Warm Springs Silent on Prospects

WARM SPRINGS, Nov. 26.—Administrator Hugh S. Johnson admits the film code is among the 25 he brought here with him for study by the President, but he maintains silence as to when any of them will be signed.

WASHINGTON, Nov. 26.—Recovery Administration officials were completely in the dark as to the prospects of early signing of the film code when questioned yesterday. Deputy Administrator Sol A. Rosenblatt and Col. W. R. Lea left for Philadelphia to attend the Army-Navy game.

F. W. C. to Open U. A. On Two-a-Day Basis

HOLLYWOOD, Nov. 26.—Inaugurating a new policy, the United Artists on Wilshire Boulevard, now under the jurisdiction of F. W. C., will be opened Nov. 29 on a two-a-day basis at $1 top, all seats reserved.

The first picture will be "Berkeley Square," with "The Private Life of Henry VIII" booked for second place.

Bruce Fowler, former division manager for F. W. C., takes over the managerial duties.

Memphis Mayor Bans Sales to Standees

MEMPHIS, Nov. 26.—Mayor Overton has issued an order to local theatres that they must refrain from utilizing standing room when all seats are sold.

No tickets will be sold at any box-office while the house is full, except where there is provision for abundant standing room in the lobby.

The ruling was made because of crowds which thronged the Warner

(*Continued on page 6*)

"Cavalcade" Given High German Praise

BERLIN, Nov. 26.—"Cavalcade" has won the support of the German press and public. This is regarded as surprising since the film glorifies British nationalism. To the *Berliner Volkszeitung* it is "a masterpiece." *Filmkurier* refers to it as "this great film work." "A gigantic work" is the *Berliner Morgenpost's* description of it. "An achievement without equal," the 8 *Uhr Abendblatt* terms it.

Poli-Sagal Take Circuit Over Nov. 29

Outside Management Deal Off, Sagal Says

S. Z. Poli and Louis M. Sagal are definitely set to resume operation of the Fox New England circuit when the houses revert to Poli-New England. Because of delays by attorneys handling the reorganization, the 18 theatres are now slated to pass to Poli-New England on Wednesday. Originally, it had been contemplated the houses would change management Nov. 15. This was set back to Nov. 21, and now the deal is expected to be completed Nov. 29.

All negotiations for a management deal are off, Sagal told MOTION PICTURE DAILY on Saturday. Poli and Sagal themselves will enter into a three-year management pact with Poli-New England Corp. in accordance with the reorganization plans. Several deals for the circuit were under way, including offers from Loew's and Harry C. Arthur. Loew's and Arthur are understood to have offered $10,000 a week rental for the group.

Sagal says he does not relish the idea of going back into the theatre business as he is "getting old now," and prefers to take a long vacation. He also declared no executive set-up of Poli-New England had yet been

(*Continued on page 6*)

Production Down; 38 Films in Work

HOLLYWOOD, Nov. 26.—Coast production activity dropped this week with 38 features in work as compared to 48 last week. However, there is hope of an early increase in activity, due to the fact that 23 features in final stages of preparation are scheduled to start within the next two weeks. Fifty-six features are in the cutting rooms. The short subject producers report but

(*Continued on page 7*)

Colossal!

Hollywood, Nov. 26.—Feelers have been sent out to Sid Grauman to assume the responsibility of staging a grand premiere opening of Boulder Dam when the first drop of water comes over the parapet. One wiseacre went so far as to suggest that he bring Niagara Falls here for the prologue.

San Francisco Holds Repeal Theatre Help

SAN FRANCISCO, Nov. 26.—Most theatre men here regard repeal as a prospective benefit to their business. Patronage may be hurt, they say, during a short period when legal liquor is a novelty, but the general tendency, they predict, will be to put people in a spending mood and stimulate their desire for entertainment.

A. M. Bowles, northern division manager for F.W.C., says: "Increased freedom in drinking will keep some theatregoers away for a brief period, but conditions will soon become normal and I don't look for any adverse effects at the box-office."

"I think repeal will have immediate benefits," declares George Mann, president of Redwood Theatres, Inc., and National Theatres Syndicate. "Drinking without legal restrictions and the desire for entertainment go hand in hand. When people feel good it is a natural inclination to want to go to shows. This, coupled with the

(*Continued on page 6*)

Safron Calls Meet Of Col. Branch Men

LOS ANGELES, Nov. 26.—All western branch managers of Columbia will meet tomorrow in San Francisco for a special sales session. Jerome Safron, western district manager, sent out the call and will preside at the confab.

Grosses in November Drop Under High October Marks

October grosses in 22 key cities started off with a rush and climbed steadily to a high of $1,581,308 during the week ending Oct. 20-21, but November has failed to maintain the pace.

There has been a gradual decline since then until the total for 144 theatres was down to $1,375,132 for the week ending Nov. 17-18.

(*Continued on page 6*)

Sears Slated To Head All Warner Sales

Report Leserman Will Get Western Post

CHICAGO, Nov. 26.—Gradwell L. Sears, western sales manager for Warners, is slated to assume full charge of the company's selling machinery under the general supervision of Major Albert Warner while Carl Leserman, currently district manager with headquarters here, will succeed Sears with headquarters in New York.

Gradwell L. Sears

These promotions in the Warner ranks are taken for granted and widely accepted as the facts in an announcement to be made shortly in New York by well-informed local film men.

Leserman has been in New York for a couple of weeks on detail reputedly attendant upon his move up the ladder into his new post. It is understood Edward Grossman, until recently with United Artists here, will be Leserman's successor.

Efforts to confirm the above changes with Major Warner and Sears on Saturday were unavailing. Neither was in town.

Duals Spread Among St. Louis De Luxers

ST. LOUIS, Nov. 26.—With the St. Louis, Fox, Missouri and Grand twin billing, only two de luxe houses are on the single feature policy. They are the Ambassador and Loew's. Managers of these two houses are receiving requests to add another feature with the single film and stage show policy, which may result in adoption of dual feature and stage show program.

ITOA to Ease Its Film Buying Strike

Easing of the local film buying strike is seen in the latest move of the I.T.O.A., which has advised its members that they can now negotiate new product deals provided percen-

(*Continued on page 6*)

MOTION PICTURE DAILY

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Contest of Arrests Starts in Buffalo

BUFFALO, Nov. 26.—Buffalo city court will have to decide the winner in a mutual arrest battle. Nathan Boasberg, manager of the Palace, combination film and burlesque house, had James Murphy, strike picket, arrested on a charge of molesting people in front of the theatre. Murphy then had Boasberg arrested on a charge of interfering with his activities on the public highway. The police let it go at that, refusing to act themselves, and advising the two complainants to tell it to the judge.

The double arrest was the climax of labor troubles of several weeks' standing, following a strike of stagehands.

Max Leo Buried

Funeral services were held yesterday at the Riverside Memorial Chapel for Max Leo, 78, who died Friday at Lakewood, N. J. Burial was at Salem Fields, Brooklyn, with his wife, sons and daughters in attendance. Joe Leo flew in from the coast to attend the services. Others attending included Jack, Benjamin and Martin Leo; William and Mrs. Fox, Mrs. Bess Rosenblum and Mrs. Sadie Sareky.

Dintenfass Services

Funeral services for Mark M. Dintenfass, film pioneer, who died Thursday at his home in Grantwood, N. J., were held at the Riverside Memorial Chapel yesterday afternoon. Burial was in the Ferncliff Cemetery, Westchester County.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Girl Without a Room"

(Rogers-Paramount)

HOLLYWOOD, Nov. 26.—"Girl Without a Room" moves right along from beginning to end with an adroit mixture of laughs, romance, sentiment and touches of drama, transferred to the screen in expert fashion by Ralph Murphy despite thinness of story.

The story shows Charles Farrell as an American art student who wins a scholarship that lands him in Paris where a rapid succession of humorous events takes place in an art colony. The situations are fortified by smart, rapid fire dialogue, penned by Frank Butler and Claude Binyon. Charles Ruggles provokes most of the laughs.

It takes both Farrell and Marguerite Churchill from the beaten path of romantic characterization and makes somewhat of a comedian and comedienne out of each. Walter Woolf makes his screen debut in fine fashion. The man has screen personality, a marvelous voice and should go far. Grace Bradley, portraying the part of a Russian gold digger, gives a fine performance, with Gregory Ratoff displaying his wares in impressive fashion through his passion to wear outlandish uniforms.

The settings give sufficient production value, enhanced with good photography by Leo Tover. Music scored to poetic dialogue from the pens of Will Jason and Val Burton is commendable. With all this taken into consideration the picture should click in any man's theatre.

Looking 'Em Over

"Myrt and Marge"

(Universal)

Comedy runs riot in this musical with Myrt and Marge of radio fame as headliners. Actually, Ted Healy and his gang furnish all the laughs with Eddie Foy, Jr., assisting with his neat routine of dance and song. Some of the gags are a bit spicy. With the names of the air personalities, the vaudeville topliners, Trixie Friganza, Grace Hayes, Thomas Jackson and J. Farrell MacDonald, plus some swell dance routines, songs and patter, this musicomedy is first class entertainment. There are plenty of exploitation possibilities.

The story pivots about a show about to be produced by MacDonald when he and his backers walk out on it. Myrt Spear takes it over, interests Jackson in financing it and stays on as manager. The new promoter falls in love with Marge Minter, whose time is being taken up by Foy, Jr. When he sees his efforts failing, Jackson attempts a walkout, and goes through with it after Foy beats him up for trying to crash Marge's room. Miss Friganza, the heroine's mother, comes to the rescue, and buys the show and it later proves a howling success when it finally reaches New York.

Healy and his gang are "prop" men with the show, bobbing in and out to make the affair interesting and lively. It smacks of showmanship throughout. Al Boasberg, who knows the theatre and his background, directed.

(Continued on page 7)

Trading Light—Issues Steady

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3	3	3	— ⅛	100
Consolidated Film Industries, pfd.	9¼	9¼	9¼	.....	100
Eastman Kodak	80½	79¼	79¼	— ¾	400
Loew's Inc.	29½	29	29½	— ½	400
Pathe Exchange "A"	11⅛	11	11⅛	+ ⅛	1,300
RKO	2⅛	2	2	— ⅛	200
Warner Bros.	6¼	6⅛	6⅛	— ⅛	800

Technicolor Only Curb Issue

	High	Low	Close	Net Change	Sales
Technicolor	10½	10½	10½	— ⅛	100

Bonds Remain Unsteady

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40 ctf.	3¼	3⅛	3⅛	— ⅜	2
Keith B. F. 6s '46	47	47	47	+1	3
Loew's 6s '41 ww deb rights	81	81	81	+ ½	2
Paramount F. L. 6s '47	24½	24	24	—1	10
Paramount Publix 5½s, '50	25½	24	24	—1	7
Warner Bros. 6s '39 wd.	41	40	40	—1	3

Purely Personal

SYDNEY TOWELL, treasurer of Fox, and MRS. TOWELL return on the *Santa Paula* tomorrow. Also on the same liner are MRS. FRANK LLOYD, wife of the director, and MRS. JACOB PALEY, aunt of WILLIAM S. PALEY, president of CBS.

GARY COOPER, MARGARET SULLAVAN and SARI MARITZA will appear in a travesty on one of the sequences of "Design for Living" at the Paramount the week of Dec. 1st.

SAMUEL J. BRISKIN, general manager of the Columbia studio, sailed Saturday for a month's trip abroad. MRS. BRISKIN is with him.

EDWARD GARVIE, character actor, has been added to the cast of "Social Register," MARSHAL NEILAN picture in work at the Eastern Service Studios.

EDDIE DOWLING is visiting Notre Dame University with FRANK C. WALKER, vice-president of Amalgamated Vaudeville.

JOSEPH BERNHARD and WILLARD C. PATERSON of Warners are doing a lot of commuting between New York and Philadelphia these days.

ED SELZER is up to his ears in work since his boss, S. CHARLES EINFELD, left for the coast on a four weeks' trip.

JOSEPH S. BARKEY, manager of Warners' Chile office, and family arrive tomorrow on the *Santa Maria*.

ELISSA LANDI's mother, the COUNTESS CAROLINE ZANARDI LANDI, sailed Saturday on the *Conte di Savoia*.

GYPSY NINA, radio singer, has been engaged to headline at the Roxy starting Thursday.

CHARLES L. O'REILLY spent Saturday in Philadelphia watching the Army and Navy game.

CHARLES BARON, U. A. exploiter, has returned from Buffalo.

CARL LAEMMLE hasn't definitely decided when he'll leave for the coast.

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New York City

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START BLOWING YOUR HORN FOR LITTLE BOY

BLUE

Stage rage...Air ace...Now famous Ben Blue comes to Warner Bros! Another great NAME for Vitaphone...And a great DAY for you Dec. 9th, release date of the first of 6 Ben Blue comedies that are going to make cash history!... Book ONE—your patrons will ORDER the other five!

BEN BLUE in 6 "Big V" Comedies for 1933-'34

LATEST OF THE GREAT NAMES THAT MAKE

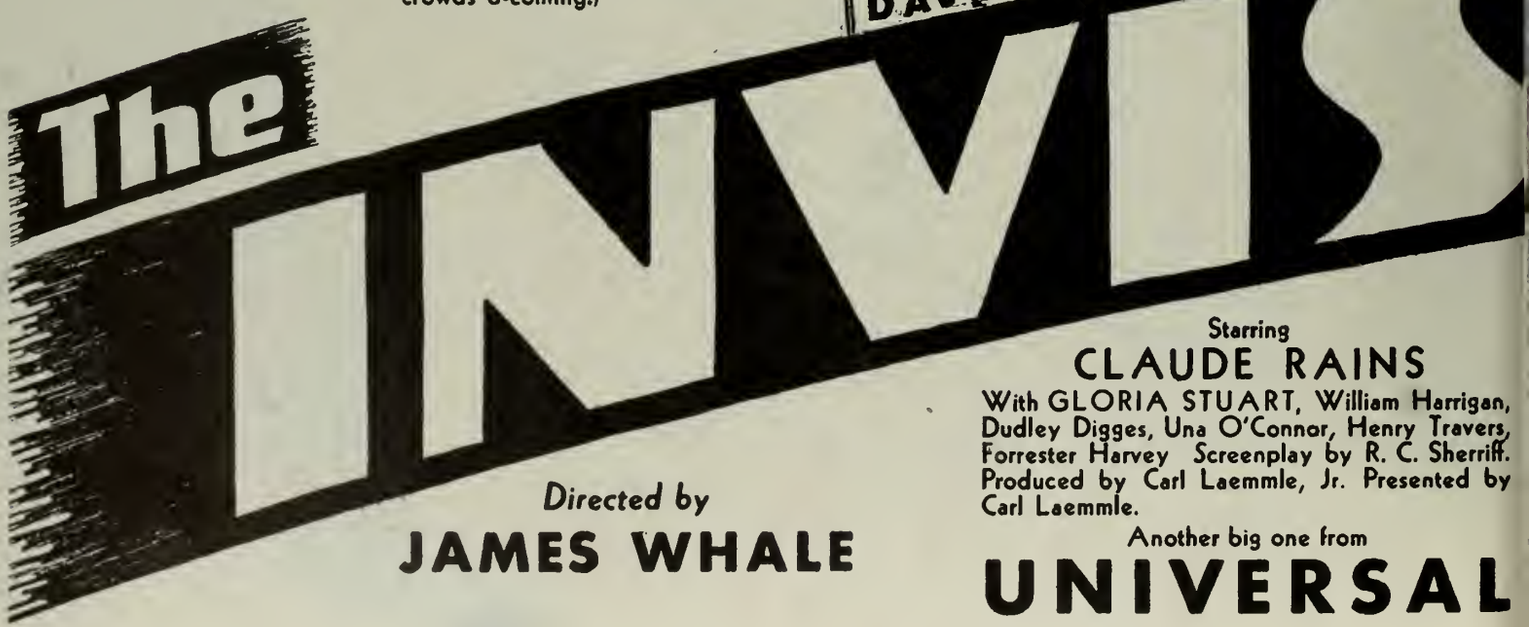
VITAPHONE

SUPREME IN COMEDY

Vitagraph, Inc., Distributors

BUSTS ROXY

(Note: Herewith are reproduced two of the ads, used by the Roxy Theatre in the New York newspapers to start the record crowds a-coming.)



Starring
CLAUDE RAINS
With GLORIA STUART, William Harrigan, Dudley Digges, Una O'Connor, Henry Travers, Forrester Harvey Screenplay by R. C. Sherriff. Produced by Carl Laemmle, Jr. Presented by Carl Laemmle.

Directed by
JAMES WHALE

Another big one from
UNIVERSAL

RECORD

The Motion Picture Daily reports: "With 'Invisible Man' grossing $26,000 for the first three days at the 7th Ave. Roxy, Howard S. Cullman anticipates a $40,000 week, which would break the record for the last three and one half years! . . . Because business held up tremendously yesterday (Nov. 20) the Universal picture is being held for a second week!"

and in Chicago—

"Invisible Man" knocked the Loop for a loop at the Palace. Immediately Balaban & Katz knocked the long-run policy of the Roosevelt Theatre for another loop and booked in "Invisible Man" for a run at that theatre—*after* it played the Palace! It's that kind of a picture!

IBLE MAN

San Francisco Holds Repeal Theatre Help

(Continued from page 1)

fact that the liquor industry, in every phase, means the spending of more money—for distribution, for payrolls, for distilling, advertising and supplies, makes for an inevitable spending of some of that money at box-offices."

"There will be more business to go around," says Edward Fitzgerald, Orpheum manager. "My guess is that after repeal the entire country will benefit. In the San Francisco bay region I think the effect one way or the other will be negligible."

Similar sentiments were expressed by James Nasser of Nasser Brothers, operators of seven district theatres; Irving C. Ackerman of the Casino, A. E. Levin of San Francisco Theatres, Inc., and Morgan Walsh, vice-president and general manager of Redwood.

Hines of Cleveland Sees Repeal as Help

CLEVELAND, Nov. 26. — "Repeal cannot possibly hurt our business, but, on the contrary, should improve it because a little wine with dinner makes people more entertainment minded."

This is the opinion of Frank Hines, manager of the RKO Palace and a showman for the past 18 years.

"I do not look for any immediate business improvement," Hines went on to say in presenting his views of the relation of repeal to the amusement business. "Things generally will have to pick up before we can expect much of a reaction. But when money is loose, people will dine out more than they are now doing. Convivial dinners will replace the present-day late entertainment, and, following dinner, the public, in my opinion, will follow the old custom of attending a show.

"We may have a period of beer and wine gardens with floor shows as theatre competition, but I believe this will be only temporary, if at all.

"I think that the licensed sale and purchase of liquor and wines will eventually bring more people back to the theatres and will bring them back as regular customers."

Contrasted with these views are those of Frank N. Phelps, Warner zone manager. He says he doesn't think repeal will have any effect one way or the other.

"It will continue to be the show that will determine theatre attendance," he says.

No Liquor in Texas; Beer Not a Problem

SAN ANTONIO, Nov. 26.—Optimism prevails among local theatre men. Prohibition repeal is not expected to cut any figure at box-offices, but re-employment should send receipts to higher levels.

Texas still prohibits hard liquor, but 3.2 beer has been legalized. Anything above that figure is barred. In this climate beer always has been a popular beverage. Before long, as in pre-prohibition days, beer gardens are expected to be revived. This should add greatly toward a return of the old-time theatre going habit.

Grosses in November Drop Under High October Marks

(Continued from page 1)

The statistical story is told in the following comparative charts:

	Week Ending Nov. 17-18		Week Ending Nov. 10-11	
	No. Theatres	Gross	No. Theatres	Gross
Boston	6	$122,000	6	$116,500
Buffalo	6	50,200	6	55,800
Chicago	6	103,800	6	115,000
Cleveland	6	31,500	6	49,500
Denver	6	41,700	5	34,600
Des Moines	5	29,000	5	29,000
Detroit	6	61,000	6	69,600
Indianapolis	5	22,500	5	21,500
Kansas City	4	41,500	4	30,200
Los Angeles	12	124,500	11	101,200
Minneapolis	5	23,500	5	22,800
Montreal	4	36,500	4	40,500
New York	12	264,982	12	279,785
Oklahoma City	5	24,700	4	13,700
Omaha	4	30,750	4	23,000
Philadelphia	10	74,900	11	91,600
Pittsburgh	6	35,900	6	32,875
Portland	7	50,900	6	27,600
Providence	6	40,500	6	49,200
San Francisco	11	107,800	10	115,700
St. Paul	5	17,500	5	16,400
Seattle	8	39,500	8	43,500
	144	$1,375,132	141	$1,379,560

Comparative grosses for the last eight weeks, compiled from day-by-day box-office reports published in MOTION PICTURE DAILY show this:

Week Ending	Theatres	Grosses
September 29-30, 1933	135	$1,342,710
October 6-7	141	1,417,886
October 13-14	143	1,544,838
October 20-21	141	1,581,308
October 27-28	143	1,509,422
November 3-4	142	1,500,740
November 10-11	141	1,379,560
November 17-18	144	1,375,132

(Copyright, 1933, Quigley Publications)

Employment is increasing, adding to the purchasing power of the people. Four thousand men have just been put to work on public works. More will follow.

Box-office grosses are 15 per cent above the corresponding period a year ago. This has been brought about by raising the prices of first runs to 50 cents top and eliminating the 25-cent bargain matinee from 11 A. M. to 1 P. M. The 25-cent matinee has always rankled with theatre men. Not only was it a nuisance, but it cut down grosses, especially at night as women flooded the theatres during these matinees. Now they wait until night and attend with the whole family.

Managers eventually agreed to cut out this nuisance, and with telling effect.

Paul at Middletown

MIDDLETOWN, O., Nov. 26.—Marc J. Wolf, general manager of the Taft circuit, with headquarters at Hamilton, has named Ed C. Paul city manager here in charge of the Paramount and Strand, succeeding Nat Turberg. Paul previously was general manager of the Gus Sun booking offices at Springfield.

Glazer on Coast Today

HOLLYWOOD, Nov. 26.—Benjamin Glazer, Paramount associate producer, arrives Monday from New York, where he has been for several weeks on business.

Small Iowa Houses Showing S.R.O. Signs

DES MOINES, Nov. 26.—S. R. O. signs are appearing with marked regularity on small-town Iowa theatres, which are feeling a distinct upturn. Four-night-a-week houses in all parts of the state are going on a full schedule, and the old 10-cent scale has been boosted to 15 cents and 20 cents in many towns. The upswing is also being felt here and in Sioux City, Cedar Rapids, Davenport and Council Bluffs. Des Moines' gross for its five first runs for several weeks has been hovering around a $30,000 total, in comparison with the $24,500 average for the last three years. NRA and better pictures are credited.

Lee, Depperman Resign

Leon Lee and William Depperman have resigned from the United Artists publicity and advertising department. Charles Leonard has replaced Lee and Hal Sloane, formerly of Trans Lux, has supplanted Depperman.

Form Tri-State Corp.

SEATTLE, Nov. 26.—E. F. Bailey and Fred H. Reece have organized the Tri-State Film Corp. here to distribute independent product in the northwest. Their first releases will include 10 Harold Lloyd short comedies with synchronization.

Poli-Sagal Take Circuit Over Nov. 29

(Continued from page 1)

made and that elections, or appointments, will be made around Nov. 29, when he expects the new corporation to take over the 18 theatres officially. A. J. Vanni, nephew of Poli, will hold an executive post.

Within the next month Halsey, Stuart & Co. will issue a list of new securities for Poli-New England. There will be an issue of $7,074,200 in first mortgage five per cent bonds, due 1958; $7,084,200 in general mortgage five per cent income bonds, due 1983; $600,000 in five per cent unsecured income notes, due 1958; 5,000 no par value common stock.

Interest amounting to $166,877.23, or $47 a debenture, has been paid to the holders of $3,326,000 in first mortgage bonds during the last year.

ITOA To Ease Its Film Buying Strike

(Continued from page 1)

tage terms are eliminated from all contracts.

Although the executive committee of the exhibitor organization has conferred with Jules Levy, general sales manager of Radio, no agreement has been reached on differences over the distributor's sales policy.

Fully recovered from an attack of the grippe, Harry Brandt will preside at the next meeting of the unit tomorrow.

Memphis Mayor Bans Sales to Standees

(Continued from page 1)

for the first night showings of "Footlight Parade." The Warner management said the ruling cut heavily into its receipts the following day because many patrons who might have stood for a few moments and then found seats were unwilling to wait outside.

Jones Calls Off Tour

HOLLYWOOD, Nov. 26.—Buck Jones has called off his personal appearance tour until after he makes one more picture for Universal. The cowboy star had planned an extensive tour that would appeal to the thousands of Buck Jones Ranger Clubs.

Warners Recall Cagney

HOLLYWOOD, Nov. 26.—Warners have recalled James Cagney from a vacation with orders to report to the studio at once to begin "The Heir Chaser." Cagney was resting at Carmel when the order arrived.

McConville Back Today

Joe McConville, supervisor of sales for Columbia, returns from a swing through the middle west today. Reports received from him are that business is on the upswing.

Charles Hicks Passes

BALTIMORE, Nov. 26.—Charles E. Hicks, owner of the Hampden, recently passed away. His son, William, will continue to operate the theatre.

Production Down; 38 Films in Work

(*Continued from page 1*)

three in work, 15 preparing and 26 in the cutting rooms.

M-G-M has five in work, three preparing and 10 editing; Fox shows five, three and three; Paramount seven, two and four; Roach has one editing; United Artists reports one preparing and six editing; Universal two, zero and six; Columbia three, three and two; Warners seven, four and 12; Radio, one, two and six. Independents have eight working, five preparing and six editing.

Studio Chest Drive Nets Half of Quotas

HOLLYWOOD, Nov. 26.—Studies have sailed over the half way marker in the current Community Chest drive, having raised $113,595, or 56.7 percent of the quota, which is $200,000, according to a report made by B. B. Kahane, executive of the film division of the Community Chest.

Columbia led the studios in contributions, having already gone over the top with more yet to come. Studio percentage rankings are as follows:

M-G-M, 75%; Sam Goldwyn, 60%; Warners, 59%; Fox, 57%; Radio, 50.9%; 20th Century, 41%; Paramount, 20%; United Artists, 16%, and Universal, 10%.

Miscellaneous film units headed by Fred Beetson report 49% of their $19,000 quota.

A meeting of 100 agents at M-G-M this week resulted in the setting of a chest quota of $20,000 with an immediate response of $3,400. Ruth Collier was reappointed to lead the agents in the Chest drive and Milton Bren, Phil Berg, M. C. Levee, Harry Weber and George Volcke named on the committee.

Brush Fire Delays 2 Warner Pictures

HOLLYWOOD, Nov. 26.—A brush fire sweeping along a 3,000-acre front at La Canada near here, forced Warners to revise production schedules on two pictures, the filming of which was being done in the vicinity.

Although the units shooting "Hell's Bells" and "Journal of A Crime" were not working within boundaries of the blaze, clouds of ashes forced the companies to return to the studio for interiors.

"Rothschild" Given Whole Studio Staff

HOLLYWOOD, Nov. 26.—For the first time in the recent history of a major studio an entire staff will be concentrated on a single picture while Joseph Schenck and Darryl Zanuck are making "The House of Rothschild," starring George Arliss.

The cast of this picture, when completed, will include more than 80 principals.

Zanuck is looking for new stories to star Ronald Colman, Constance Bennett and Loretta Young.

Griswold in New Post

Glenn Griswold, former vice-president of Fox Film in charge of publicity and advertising, has been appointed publishing director of *Business Week*, a McGraw-Hill publication. He assumes his duties today.

Looking 'Em Over

(*Continued from page 2*)

"The Worst Woman in Paris"

(*Fox*)

The unusual angle to this story is that the emotional conflict is between two women who like each other and each is willing to give up the man she loves for the sake of making him happy. It sounds unreal, but in the way it is worked out the story is interesting and at times emotionally stirring.

Benita Hume, loaded with jewels her playboy friend, Adolphe Menjou, has given her in Paris is on her way to Hollywood with her maid when her train is wrecked in Kansas. With a fine display of courage, she goes back into a flaming Pullman through a window to rescue a baby and is in turn rescued by Harvey Stephens, who takes her to his small town home.

All the townspeople like her as she recovers and Stephens falls in love with her. Helen Chandler, his secretary in the office of a school which he heads, watches the course of the romance silently. A climax comes when Miss Hume hears Menjou has gone broke in Paris. Feeling that she owes something to Menjou and that she will be unable to make Stephens happy if he learns of her past she renounces her love. The two women face each other when Miss Chandler goes to her and pleads with her not to leave because Stephens has turned down an opportunity to become head of a university and seems on the way to the wreck of his career.

Miss Hume persists in her intention to go, but not until she has softened the blow of her departure by going to Stephens and telling him she is doing it because she loves him and wants him to be happy with the girl who has long been devoted to him.

It presents an idealized type of womanhood under an odd title. Instead of being risque, it is good adult family entertainment with small town appeal, and the work of the principals is adequate in roles which call for no display of histrionics.

"Farewell to Love"

(*Madison*)

A beautiful film with one serious handicap—faulty recording that renders much of the dialogue indistinct. This makes the voices indistinct.

Filmed for the greater part in and about Naples, it has fine pictorial appeal and offers a singing hero, Jan Kiepura. Betty Stockfield, who plays a world-weary Englishwoman, falls in love with her Neopolitan guide under the spell of his singing and takes him from his sweetheart that she may have his voice developed in London, only to lose him in the end to the girl he left behind. To the part the actress brings a dreamy seductiveness that is devastating and a voice that is splendid.

The cast is, with one or two exceptions, all-English. Heather Angel is the Italian sweetheart.

Kiepura's name, made known to American film audiences through "Love Me Tonight," and that of Miss Angel, who is the subject of a wide publicity campaign by Fox, may prove of some assistance at the box-office. The film is of limited appeal to American audiences generally, but it ought to click with lovers of Italian backgrounds.

Shorts

"Yeast Is Yeast"

(*Vitaphone*)

Tom Patricola and Charlie Melson are teamed in a melange of singing, dancing and wise-cracking. It is acceptable. The two play a pair of gobs cast on a cannibal island when their ship is wrecked. The cannibal gals turn out to be bunch of cuties. This makes the lads decide to stay on. Running time, 18 mins.

"Outposts of France"

(*Fox*)

A Fox Magic Carpet depicting the scenic wonders of Indo-China and showing some striking views of the natives working and relaxing. Very interesting and educational. The scenes of the royal palace and of Ankgor-Vat, the deserted city, are particularly well shot. Running time, 9 mins.

"Mills Rhythm Band"

(*Vitaphone*)

A peppy short featuring a colored band and an all-negro cast. It offers just the sort of thing expected when a crowd of colored folk are thrown together in a musical number, a mixture of hot hoofing and frenzied singing, with plenty of body movements. Looks like a bit too much of this stuff to please average audiences. Running time, 13 mins.

"Bosko's Picture Show"

(*Vitaphone*)

A "Looney Tune" that resorts to burlesque in a successful effort to obtain humor. Bosko is a film operator. Besides putting on the show, he takes part in it. An entertaining number Running time, 7 mins.

Hollywood Personals

Hollywood, Nov. 26.

JOSEPH MONCURE MARCH and JACK O'DONNELL have been assigned to write the screen play for DAMON RUNYON'S "Little Miss Yorker" (Paramount).

DOROTHY MACKAILL, JUNE COLLIER and "BILL" BOYD have been signed for the leading roles in "Cheaters" (Liberty).

ALAN DINEHART has been signed to play his stage role in the picture version of "Ninth Guest" (Columbia).

JOAN BENNETT has been signed to make two pictures for Radio, beginning early next year.

ANN MORRISON CHAPIN'S "Love Flies Out the Window" has been purchased by Radio for screening.

HARRY WOODS has been signed for a role in "Shadows of Sing Sing" (Columbia).

RICKEY NEWELL has been given a role in "Hell's Bells" (Warners).

ELIZABETH YOUNG has been given a new contract by Paramount.

Mayor Asks Revision Of Milwaukee's Code

MILWAUKEE, Nov. 26.—Mayor Daniel Hoan in a message to the Common Council has advised a general revision of all measures regulating amusement spots. The mayor advocates clarification of laws aimed at "indecent and immoral" theatrical exhibitions.

Aldermen point out that there is no municipal code as to what is proper and what isn't in the matter of fan dancers, rhumba performers and similar types of entertainment. Some legal definition is needed, it was explained, to guide worried police.

N. O. Union Complains

NEW ORLEANS, Nov. 26.—A complaint against Loew's State, filed by the operators' union with the Federal conciliation board, will come up for official action Tuesday. The complaint asserts breach of contract on the part of Loew and has been before the board for several weeks.

Hollywood Gets Preferred

Hollywood Exchanges in New York, Buffalo, Philadelphia and Washington will handle the 12 pictures to be made by Preferred Pictures, recently formed by J. G. Bachmann. Jack Bellman closed the deal for his exchanges.

Hold "World Changes"

Warners are holding "The World Changes" for a sixth week at the Hollywood. The fifth week ends Wednesday.

Frank Drew Recovering

CLEVELAND, Nov. 26.—Frank Drew, M-G-M exchange manager, is recovering from an operation at the Charity Hospital.

Four Marxes Get $17,750 On the Coast

Los Angeles, Nov. 26. — "Duck Soup" took top money here last week with $17,750 at the Paramount, but this is not considered outstanding. House average is $18,000.

Business was quiet all along the line, with the exception of "Footlight Parade," which held up to $12,000 in its second week at Warners' Downtown and at the same time took $11,000 at the Hollywood.

"Emperor Jones" made a good showing at the 800-seat Filmarte with a take of $3,950. "I'm No Angel" fell off to $5,928 in its sixth week at Grauman's Chinese and was pulled after four days.

Total first run business was $96,128. Average, without the United Artists and Pantages, is $93,400.

Estimated takings for the week ending Nov. 22:

"I'M NO ANGEL" (Para.)
CHINESE—(2,500), 50c-$1.65, 4 days. Sid Grauman prologue. **Gross:** $5,928. (Average, $14,000.)

"MEET THE BARON" (M-G-M)
LOEW'S STATE—(2,415), 25c-40c, 7 days. Ed Lowry and his band, stage show. **Gross:** $12,300. (Average, $14,000.)

"DUCK SOUP" (Para.)
PARAMOUNT—(3,598), 25c-40c, 7 days. Georgie Stoll and his orchestra, stage show. **Gross:** $17,750. (Average, $18,000.)

"THE INVISIBLE MAN" (Univ.)
RKO—(2,700), 25c-40c, 7 days. **Gross:** $4,300. (Average, $8,000.)

"FOOTLIGHT PARADE" (Warners)
WARNER BROS. (Hollywood)—(5,000), 25c-55c, 2nd week, 7 days. Oscar Baum and his augmented orchestra, stage show. **Gross:** $11,000. (Average, $14,000.)

"FOOTLIGHT PARADE" (Warners)
WARNER BROS. (Downtown)—(3,400), 25c-55c, 2nd week, 7 days. Teddy Joyce and his orchestra, stage show. **Gross:** $12,000. (Average, $12,000.)

"EMPEROR JONES" (U. A.)
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $3,950. (Average, $2,650.)

"THE FORGOTTEN MAN" (Jewel)
CRITERION—(1,610), 25c-40c, 7 days. Stage show. **Gross:** $2,700. (Average, $2,800.)

"EAST OF FIFTH AVENUE" (Col.)
"HOLD THE PRESS" (Col.)
LOS ANGELES—(3,000), 15c-25c, 7 days. Stage show. **Gross:** $4,800. (Average, $3,700.)

"TURN BACK THE CLOCK" (M-G-M)
ORPHEUM—(2,200), 25c-35c, 7 days. Ten acts vaudeville. **Gross:** $3,900. (Average, $4,250.)

"BLOOD MONEY" (U. A.)
UNITED ARTISTS—(2,100), 25c-40c, 7 days. Sophie Tucker on the stage, Grauman stage show. **Gross:** $9,000.

"STAGE MOTHER" (M-G-M)
PANTAGES—(3,000), 25c-40c, 7 days. Stage show. **Gross:** $8,500.

Libson to Open Orpheum

Cincinnati, Nov. 26.—Plans are under consideration by Ike Libson, managing director of RKO, for early reopening of the Orpheum, 2,100-seat neighborhood, located across the street from the RKO Paramount. The Orpheum has been dark for about a year.

Previous to acquisition by RKO, the house was controlled by the I. M. Martin interests, and at one time was the leading vaudeville spot in this section.

Darmour Rushing Two

Hollywood, Nov. 26.—Larry Darmour is rushing into production with two Mickey McGuire comedies for the holiday season. First is to be timed for release during Christmas week and the second for the New Year week.

Lasso to Music

Hollywood, Nov. 26.—Ken Maynard not only composed the theme song for his latest, "Wheels of Destiny," but also penned all the incidental music. The cowboy numbers turned out so well that he's signed a contract to do six records, on which he will yodel and banjo for Columbia phonograph company.

"Angel" Portland Smash at $12,300

Portland, Nov. 26. — "I'm No Angel" led a parade of box-office hits into town last week and left house managers gasping in surprise. They thought 1929 had returned. At $12,300 in the 1,800-seat Liberty, "Angel" was $10,500 over average. It was held over.

The Paramount was reopened with "The Way to Love." Helped by a midnight football rally, it went to $12,000, over the old average by $3,000. "Sweetheart of Sigma Chi" was good for $8,000 at the Pantages, helped by a vaudeville bill headed by Fifi Dorsay.

"Footlight Parade" more than doubled the normal take at Hamrick's Music Box with $6,500.

First run total for the week was $50,900. Average is $34,800.

Estimated takings for the week ending Nov. 17:

"THIS DAY AND AGE" (Para.)
BROADWAY—(1,912), 25c-35c-40c, 3 days. **Gross: $2,000.**

"THE CHIEF"
BROADWAY—4 days. **Gross:** $3,700. (Average, $6,000.)

"I'M NO ANGEL" (Para.)
LIBERTY—(1,800), 25c-35c-40c, 7 days. **Gross:** $12,300. (Average, $1,800.)

"FOOTLIGHT PARADE" (Warners)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days, second week. **Gross:** $6,500. (Average, $3,000.)

"COLLEGE COACH" (Warners)
"THREE LITTLE PIGS" (U.A.)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $1,600. (Average, $2,000.)

"SWEETHEART OF SIGMA CHI" (Monogram)
PANTAGES—(1,700), 25c-35c-40c. Vaudeville, Fifi Dorsay. **Gross:** $8,000. (Average, $8,000.)

"THE WAY TO LOVE" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c-60c. Vaudeville. **Gross:** $12,000. (Average, $9,000.)

"PRIVATE LIFE OF HENRY VIII" (U.A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,800. (Average, $5,000.)

Lawrence with Ad Firm

Hollywood, Nov. 26. — J. B. L. Lawrence, formerly a member of RKO publicity and radio departments and feature writer of the *Los Angeles Examiner*, has been appointed Southern California representative for J. Stirling Getchell, Inc., advertising agency, advertising accounts of the De Soto and Plymouth motor corps.

Levy Back at Paramount

Hollywood, Nov. 26.—Benn W. Levy has returned to Paramount to work out a one picture deal remaining on his old contract, which has been inactive since March.

His assignment will be the screen play for "Melody in Spring" to feature Ginger Rogers and Charles Ruggles.

"Aggie" and Bernie K.C. Top, $19,700

Kansas City, Nov. 26.—The Mainstreet registered a smash $19,700, presenting Ben Bernie and his lads, with "Aggie Appleby" on the screen. This is $5,700 better than par for a combination bill. Bernie got plenty of space in the papers and did a half-hour broadcast for a local drug chain.

The only straight film show to hit above normal was "The Blonde Bombshell," which gave Loew's Midland $13,000, against $10,000 average. "Footlight Parade," in its second week at the Newman, reacted from a big first stanza and slumped below par. "Walls of Gold," an Uptown attraction, was so-so.

Total first-run business was $41,500. Average is $34,000.

Estimated takings:

Week Ending Nov. 15:
"FOOTLIGHT PARADE" (Warners)
NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show, 2nd week. **Gross:** $6,000. (Average, $7,000.)

Week Ending Nov. 16:
"AGGIE APPLEBY" (Radio)
MAINSTREET—(3,049), 25c-40c-60c, 7 days, plus Saturday midnight show. Stage: Ben Bernie and company, featuring Frank Prince, "Whistling" Pullen, Manny Prager, Dick Stabile, Billy Severin. **Gross:** $19,700. (Average for combination bill, $14,000.)

Week Ending Nov. 17:
"THE BLONDE BOMBSHELL" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $13,000. (Average, $10,000.)

"WALLS OF GOLD" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $2,800. (Average, $3,000.)

"Three Pigs" Still Big Draw in Frisco

San Francisco, Nov. 26.—"Three Little Pigs" are just about hogging the picture business here, especially with the neighborhoods. The short has been shown no less than five times at the Coliseum, each time for comparatively long runs, the longest of which was 12 days. This is some kind of a record here, as no short yet booked has been wanted so badly by exhibitors.

Features may come and go, programs may change, but "Three Little Pigs" stays on. Adults as well as kids never tire of seeing it. Most of the neighborhoods have shown it three or four times and have grouped their advertising, the better to let the public know it. A. E. Levin, manager of San Francisco Theatres, Inc., comprising a sizeable bloc of major neighborhood houses, claims the distinction of having booked this short more times, in a shorter period, than any short has yet been booked in San Francisco and environs.

Seattle Fees Are Cut

Seattle, Nov. 26.—By a 6-2 vote, the City Council has passed an ordinance reducing the annual license fee on theatres. The reduction was granted to help the small suburban houses.

The new ordinance fixes the license fee at 15 cents per seat, with the minimum charge $50 and the maximum $300. At present, the ordinance calls for $125 minimum and $250 maximum.

"Footlight" Twin Cities' Top, $14,500

Minneapolis, Nov. 26.—"Footlight Parade" ran away with top honors on both sides of the river last week, getting a total gross of $14,500. The take at the Minnesota here was $8,500 and at the St. Paul Paramount it was $6,000.

"I'm No Angel" was good for $12,000, of which $7,000 was taken at the State here and $5,000 at the St. Paul Riviera.

Other first runs were off:

Minneapolis first runs grossed $23,-$500. Average is $20,500. St. Paul's took $17,500, beating average by $1,-500.

Minneapolis:

Estimated takings:

Week Ending Nov. 16:
"THE MAD GAME" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,400. (Average, $1,500.)

"FOOTLIGHT PARADE" (Warners)
MINNESOTA—(4,000), 25c-40c, 7 days. **Gross:** $8,500.

Week Ending Nov. 17:
"AFTER TONIGHT" (Radio)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

"I'M NO ANGEL" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500.)

"THE GOOD COMPANIONS" (Fox)
WORLD—(400), 25c-75c, 7 days, third week. **Gross:** $1,100. (Average, $1,200.)

Estimated takings for the week ending Nov. 16:

St. Paul:

Estimated takings for the week ending Nov. 16:

"FOOTLIGHT PARADE" (Warners)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

"I'M NO ANGEL" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $5,000. (Average, $3,500.)

"AGGIE APPLEBY" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $2,000.

"EASY MILLIONS" (Freuler)
RKO ORPHEUM—(2,600), 20c-40c, one day. **Gross:** $500.

"MASTER OF MEN" (Col.)
RKO ORPHEUM—(2,600), 20c-40c, 3 days. **Gross:** $1,500. (Average for week, $4,000.)

"I LOVED A WOMAN" (F.N.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average, $800.)

"MY LIPS BETRAY" (Fox)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $800. (Average, $700.)

"BITTER SWEET" (U.A.)
WORLD—(300), 25c-75c, 7 days. **Gross:** $1,300. (Average, $1,000.)

Name Alliance Receiver

Alliance, O., Nov. 26.—R. C. Wallace has been named receiver for the Columbia by Judge Joseph L. Floyd in Stark County Common Pleas Court. Judgment had been taken against the Smith Amusement Co., operators of the Columbia, in favor of the Alliance First National Bank. The receivership will have no effect on operation. Wallace is secretary of Tri-Theatres, Inc., and is now in charge of all three theatres here, Morrison, Columbia and the Strand.

Fox Holds Sid Silvers

Hollywood, Nov. 26.—Sid Silvers, actor-writer for Fox, has had his option picked up by the studio.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 126 NEW YORK, TUESDAY, NOVEMBER 28, 1933 TEN CENTS

CODE IS SIGNED—LOWELL, DRESSLER, CANTOR NAMED

Sears Not to Get New Post, Avers Warner

Major Albert L. Warner denies that Gradwell L. Sears is to be put in charge of all Warner sales under his supervision. He insists no change is to be made in the sales organization and that Sears will continue as general sales manager in charge of western and southern distribution and

(*Continued on page 7*)

Tri-Ergon Wins in Suit at Scranton

SCRANTON, Pa., Nov. 27.—An injunction restraining Wilmer & Vincent corporations and Altoona Publix Corp. from making further use of sound equipment allegedly infringing patents held by American Tri-Ergon Corp. and Tri-Ergon Holding, A. G., of St. Gall, Switzerland, has been

(*Continued on page 2*)

Wisconsin Men Plan For Groups on Call

MILWAUKEE, Nov. 27.—A panel of from 15 to 25 exhibitors, constantly on call and large enough numerically to fill in where others may be unable to because of pressure of business, is planned under the code by the Wisconsin M. P. T. O. The idea concerns arbitration and setups of boards to settle issues designated for clearance

(*Continued on page 2*)

Starts Series

This is the opening gun in a new series of condition stories covering a number of major situations in the Middle West, and are being written from the field by Red Kann who is now in the thick of his inspection tour.

Milwaukee will be followed by Chicago which will be followed by Indianapolis; then Detroit, Cleveland and other key centers.

Deputy Awaits Text

Washington, Nov. 27.—Deputy NRA Administrator Sol A. Rosenblatt stated this afternoon that word had been received that Administrator Hugh S. Johnson was on his way north with a signed copy of the code and would arrive about 12 o'clock.

What few changes have been made in the third revision, he said, would be incorporated and the full text would be made public tomorrow as soon as possible following the issuance of an executive order.

Says Big Fox Dividend Paid Despite Loss

WASHINGTON, Nov. 27—Approval of the long-standing claims of Harley L. Clarke amounting to nearly $229,000 by the board of General Theatres Equipment Corp. two days before the company went into bankruptcy, and the voting by the Fox Film board of dividends amounting to over $4,000,000 at a time when the company had a deficit in excess of $5,500,000 and outstanding demand obligations of more than

(*Continued on page 3*)

Code Authority Appointees Surprise; Rest Of Board Not Announced—Text to Be Released Officially Today

WARM SPRINGS, Ga., Nov. 27.—President Roosevelt today signed the film code and named President-emeritus A. Lawrence Lowell of Harvard, Eddie Cantor and Marie Dressler as members of the code authority.

Administrator Hugh S. Johnson left tonight for Washington and the code will be released for publication Tuesday afternoon.

The appointment of the former head of Harvard came as a complete surprise. He is honorary president of the Motion Picture Research Council, which is financed by the Payne Foundation, and recently published a book called "Our Movie Made Children," by Henry James Forman which was strongly critical of film reactions on children. Recently the council has been conducting a campaign against block booking and for the right to buy on the grounds that exhibitors should have the power to reject films they consider unsuited for family entertainment.

Marie Dressler was a White House visitor on her last trip east and Cantor was at Warm Springs last Thursday. It was made clear here today that the comedian during his visit to the President urged that artists be paid on a royalty basis.

In the code, it is understood, the President has exempted writers and dramatists from the sal-

(*Continued on page 3*)

Hertz States He Cut Costs $23,000,000

A saving of $23,000,000 in Paramount Publix operating costs in 1932 as compared with 1931 was cited yesterday by John Hertz as the result of his stewardship of the company's financial affairs while chairman of its finance committee for the 14 months preceding the Paramount bankruptcy.

Hertz's declaration was made toward

(*Continued on page 7*)

Fan Dancers, Overseating, Taverns Trouble Beer City

By RED KANN

MILWAUKEE, Nov. 27.—Casting eyes 70 miles to the south where pink bodies stepped from behind fans to increase the blood pressure of the 22,000,000 visitors who clocked in at the World's Fair, Beer City amusement purveyors, most of them not in the theatre business, took to themselves the same idea. Today, Milwaukee is blanketed with fan dancers, as well as shawl and bat dancers; from 2,000 to 4,000 beerstubes, designated as taverns, and more seats than there are people to fill them.

The seats have been around for some time. So have the people, but the trouble is nobody can make the two meet often enough to lift theatres out of the doldrums and the red bath which practically all of

(*Continued on page 6*)

Rosenblatt to Talk Before Penn. MPTO

Deputy NRA Administrator Sol A. Rosenblatt and Charles L. O'Reilly, president of the T.O.O.C., will be among the principal speakers at the one-day convention of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware. The session will be held in Philadelphia on Dec. 7, with the signed code as the principal topic.

No Daily Thursday

***Motion Picture Daily* will not be published Thursday, Thanksgiving Day.**

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Wilstach in Hospital

Frank Wilstach, M. P. P. D. A. advertising and publicity contact, who has been seriously ill for the past ten days, was removed to Manhattan Hospital over the week-end. His condition was reported to be unimproved yesterday.

Wilstach is being treated for influenza and accompanying complications.

S. R. Kent Back Today

S. R. Kent, president of Fox, returns today on the *Berengaria*, after an extended business trip abroad. He is accompanied by Walter J. Hutchinson, managing director of Fox in England, and Mark Ostrer, managing director of Gaumont-British.

Ascher, May Sailing

LONDON, Nov. 27.—Irving Ascher of Warners and Joe May, recently signed as a Columbia director, sail on the *Majestic on* Wednesday.

Oakie to Honolulu

HOLLYWOOD, Nov. 27.—Jack Oakie and his mother are en route to Honolulu for a three weeks' vacation.

WILL BUY
1000 USED
THEATRE CHAIRS
Must be in first class condition, and not less than 600 of one kind. Only interested in chairs costing when new, approximately $10.00 each. Apply by letter only. 1531 Broadway, New York City, 5th Floor.

Tri-Ergon Wins in Suit at Scranton

(*Continued from page* 1)

granted here by Judge Albert W. Johnson in U. S. District Court.

The ruling in favor of the American and European Tri-Ergon companies also asks for an accounting of profits. William Fox is the owner of the American rights to the Tri-Ergon sound patents and several suits, involving similar charges are pending in state and Federal courts throughout the east against large producers, exhibitors, Erpi and RCA Victor.

The Federal court at Brooklyn, N. Y., dismissed a similar Tri-Ergon action against exhibitors last spring.

Efforts yesterday to obtain comment from the defendant companies were unsuccessful.

Studio Sound Union Files NRA Charges

LOS ANGELES, Nov. 27—Charges of violation of NRA labor provisions have been filed with the local NRA board by the sound technicians' branch of the I.A.T.S.E. against Paramount, United Artists and Universal. The companies are charged with coercion in forcing studio employes to join labor organizations not of their own choosing. The accusations are brought under Section 7-A of the President's re-employment agreement giving workers the right to collective bargaining.

Wisconsin Men Plan For Groups on Call

(*Continued from page* 1)

through such boards under the code.

Having raised $2,000 for charity last year, the unit early in the new year will hold another Film Fun Frolic with the proceeds this time reverting to its own treasury.

MPTO Men Dine Dec. 4

COLUMBUS, Nov. 27—Problems scheduled to come up at the meeting of the MPTO of Ohio here on Dec. 5 will be discussed the day before at a dinner to be given by Max Stearn, president.

Roxy 21-Week Net Is Put at $68,252

For the 21 weeks from June 15 to Nov. 9 Howard S. Cullman, receiver for the 7th Ave. Roxy, reports a net operating profit before fixed charges of $68,252.80, and a net of $2,821.99 after fixed charges.

This does not include interest on outstanding bonds, depreciation, etc.

The report has been presented to the U. S. District Court with a recommendation that the receivership be continued, because in recent months the theatre's business has shown an improvement and it is now operating with more favorable film contracts than it has had at any time in the recent past.

Cullman points out that from July 1 to Dec. 15, 1932, the theatre showed a net loss of $91,000 before fixed charges and a total loss after fixed charges, but before interest, depreciation, etc., in excess of $203,000. The 1933 attendance increase has been 3.08 per cent over the same months for 1932 in spite of the Radio City competition, he reports.

Paramount Trustee Hearing Up Dec. 4

An action seeking the removal of the Paramount Publix trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, is scheduled for a hearing in the U. S. Circuit Court of Appeals here Dec. 4.

The action was dismissed by the U. S. District Court here last spring but leave to appeal was granted the complainant, Samuel Zirn, attorney for a Paramount Publix bondholders' group, by the Appellate Court several weeks ago.

Ad Group Meets at Hays Office Today

A second meeting of the advertising committee which will uphold the morality clause in the signed code meets today with J. J. McCarthy at the Hays office. Howard Dietz, chairman, Stanley Shuford and Robert Sisk will attend. Shuford is substituting for S. Charles Einfeld, who is now on the coast, and Sisk is pinch hitting for John Flinn, representing the AMPA. Flinn left for Hollywood yesterday.

Eastman Off 2¼ as Market Slumps

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26¼	24¼	24⅝	—2½	700
Consolidated Film Industries	3	2⅞	2⅞	— ⅛	200
Consolidated Film Industries, pfd	9	9	9	— ¼	100
Eastman Kodak	79½	77	77	—2¼	1,300
Eastman Kodak, pfd	122	122	122	—2	4,000
Loew's, Inc.	29⅜	27½	27⅛	—1⅝	300
Paramount Publix	1⅝	1½	1⅝	.....	2,800
Pathe Exchange	1¾	1⅝	1⅝	— ⅛	500
Pathe Exchange "A"	10½	9⅞	9⅞	—1¼	300
RKO	2⅛	2	2	.....	200
Warner Bros.	6⅛	5¾	5⅞	— ¼	5,500

Educational Pfd. in 19-Point Drop

	High	Low	Close	Net Change	Sales
Educational, pfd.	3	3	3	—19	2,500
Sentry Safety Control	3/16	3/16	3/16	— 1/16	100
Technicolor	10½	10¼	10⅜	— ⅛	300

Pathe Bonds Lose 2½ Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¾	3½	3½	.....	5
General Theatre Equipment 6s '40, ctf	3⅛	3⅛	3⅛	.....	3
Loew's 6s '41, ex war	81	80	81	.....	10
Paramount F. L. 6s '47	23	23	23	—1	1
Pathe 7s '37, ww	82½	82½	82½	—2½	3
Warner Bros. 6s '39, wd	40	40	40	.....	2

Purely Personal

CARL LESERMAN, recently appointed assistant to Gradwell Sears, western sales manager, departed yesterday on a visit to Warner branches in Chicago, Kansas City, San Francisco and Los Angeles. He will be gone a month. SEARS also left on a short trip to Dallas on company business.

JOE BRANDT, SAM RINZLER, MORRIS SANDERS, JACK LEVINE, LEO BRECHER, ARTHUR STEBBINS, MRS. JOSEPH LEBLANG, RUDOLPH SANDERS, BEN ROMAN RABBI STEPHEN WISE and HAROLD RODNER yesterday conferred at LOUIS NIZER'S office at an informal meeting.

GREGORY RATOFF leaves for the coast at the end of the week. He's forced to cut his vacation short because of a call from the Radio studios. After that assignment he goes to Columbia for "20th Century."

CHARLOTTE HENRY arrives in New York Dec. 8. She left Hollywood Sunday on a personal appearance tour of 11 cities. She will remain here five days before returning to the studio.

REAR ADMIRAL YATES STERLING, JR., commandant of the Brooklyn Navy Yard, is expected to attend the opening of "Son of a Sailor" tomorrow night at the Strand.

ELMER RICE, author of "Counselor-at-Law," yesterday saw the picture in the Universal projection room and got a big kick out of it.

MAJOR EDWARD BOWES and JUDGE FRY of Loew's put on an act of not knowing each other every time they meet.

HARRY M. and ALBERT WARNER leave town today for a short vacation. Destination unknown.

CHARLES PERRY, U. A. exploiter at the Aldine Theatre in Philly, was in town yesterday.

MOE SILVER has returned from Milwaukee, where he conferred with DAVE WESHNER.

JOAN CRAWFORD and FRANCHOT TONE are expected to leave Hollywood tomorrow.

HELEN HAYES opened last night at the Alvin in "Mary Queen of Scotland."

JOHN FLINN headed for the coast yesterday and is due back Dec. 7.

HENRY SONENSHINE is back from a trip out west.

ROBERT Z. LEONARD is in from the coast.

Laemmle Coastbound

Carl Laemmle and his secretary, Jack Ross, are enroute to the coast. They will arrive in Hollywood tomorrow night.

Industry Code Is Signed by The President

(Continued from page 1)

ary provisions of the code temporarily at least until results of the actual operation of the code authority have been observed.

General Johnson stated that the appointment of the former head of Harvard was made so that he could observe "the efforts of the industry to comply with its own rules of censorship of improper pictures and dialogue."

Following the approval of the code by the President, Johnson issued the following statement:

"The moving picture code sets up in the code itself the names of the code authority among the various adverse interests in production, distribution and exhibition. For this reason the President reserves to the administrator the right to review and, if necessary, disapprove any action by the code authority, to remove any such member and to add members to any employer class.

"The code contains drastic provisions against excessive salaries. The President has exempted from these and suspended their operation for further experience with actual operation of the code authority.

Contains Drastic Clauses

"The President has not yet decided upon direct representation of the Administration on the code authority. (There will be three Presidential appointees.)

"The President is asking also a full report in 90 days (by Presidential authority) on all unfair practices in the industry, including a full report on excessive salaries or other emoluments in the industry, both as to artists and as to executives and their families, and he expects the industry to comply fully with the legal requirements in furnishing this information accurately and promptly."

Pressed for an explanation as to what he would term "excessive" salaries, Johnson stated that would be determined upon the basis of facts.

The outstanding change in the code is the provision prohibiting bidding up of salaries of artists until within 30 days of the expiration of their contracts. With regard to censorship, Johnson stated the Recovery Administration would not undertake to censor production of pictures, but, however, the President would scan Lowell's observations in this connection when the former president of Harvard makes his report.

Looking 'Em Over

"Counsellor at Law"

(*Universal*)

An ace attraction headed for new b. o. records. Carl Laemmle, Jr., has spared no expense in the production of Elmer Rice's play and it will undoubtedly go extra time in many theatres. It is graced with star names such as John Barrymore, Bebe Daniels and Doris Kenyon, supported by 20 others, including Onslow Stevens, Isabel Jewell, Melvyn Douglas, Thelma Todd and Mayo Methot. William Wyler has done a swell job in the direction. The author adapted the play and Norbert Brodine manipulated his camera for compelling effects.

As a silver-tongued, quick-witted attorney, Barrymore's success is rapid. His cases range from the lowly Communist friend of the family to the biggest of business men. In defending Victor Simon on a murder charge, Barrymore misses a loophole in the alibi which frees Simon and which threatens disbarment unless the matter is quickly adjusted.

While Barrymore is trying to get a hold on Elmer Brown, who threatens the disbarment, Doris Kenyon, the legal light's wife, shows her colors by becoming upset when her husband plans to contest the will of her friend and cause unpleasant publicity. Rather than face possible disbarment for her mate, Miss Kenyon plans a trip to Europe and when she learns her husband cannot go with her goes without him. But Melvyn Douglas, who has been playing friend of the family, is also a passenger on the boat and his purpose is to play hearts.

Barrymore gets the upper hand on Brown when an agent discovers the latter, in addition to living in New York, is also maintaining another home in Pennsylvania, which would create headline scandal. This causes the disbarment threat to be dropped and again Barrymore is the high-pressure counsellor.

In a moment of despondency, Barrymore attempts suicide, but is forestalled by Miss Daniels, who has secretly been in love with him. A telephone call from a client comes through, there is a hectic conversation followed by renewed vigor and brings him back to his old self.

There are minor incidents which lend color. There is the telephone operator always gabbing at a mile a minute; Onslow's Stevens' secretary and her eccentric gait; Barrymore's mother; the Communist; the promising attorney who tries like the devil to make a date with Miss Daniels, but to no avail; Mayo Methot's attempt to interest Barrymore in her after he wins her case, and other happenings which give this legal document an air of authenticity.

FWC Trustees Seek To Borrow $288,500

Los Angeles, Nov. 27.—A petition has been filed in U. S. District Court here by the trustees of Fox West Coast for permission to borrow $288,500 on certificates of indebtedness to conserve the assets and equities in the bankrupt circuit's properties.

The petition also asks for court approval to compromise agreements between the trustees and a number of the largest claimants in order to avert lengthy litigation and in accordance with agreements contemplated under loan arrangements. The trustees' certificates would be a first lien against all bankrupt real estate assets, subject to subsequent issuance of not over $300,000 more of similar incumbrance.

Books First M-G-M

First M-G-M picture for the Mayfair will be "The Chief," with Ed Wynn, which will follow "The Worst Woman in Paris?" Universal's "King for a Night" follows the M-G-M picture. Change in the policy of the Walter Reade house to burlesque has been dropped for the time being.

Jacobson Quits "U" After Three Films

Hollywood, Nov. 27—After making three pictures for Universal, Sam Jacobson has resigned. It is said there was a disagreement over salary. Carl Laemmle, Jr., has accepted the resignation.

It is understood Jacobson has received an offer to return to New York to take charge of eastern production activities for an unnamed major. An official announcement will be made within a few days. Jacobson's contract had 15 months to run.

Hollywood, Nov. 27.—Frank Mastroly has been appointed executive studio manager of Universal, with Henry Henigson as his assistant. The latter will also serve as an associate producer.

Paramount Planning For 'Victory Drive'

Starting Jan. 1 and continuing until March 31, Paramount will hold a "Victory Drive." Various home office executives will visit the field on behalf of the campaign for dates.

Last night J. J. Unger and Milt Kusell left for Philadelphia and Washington. They are expected to visit a number of other eastern cities following their return. George J. Schaefer and Neil Agnew will make a tour of Paramount exchanges shortly.

Says Big Fox Dividend Paid Despite Loss

(Continued from page 1)

$8,000,000 were disclosed today before the Senate committee investigating Wall Street.

The committee questioned Clarke at length upon his picture transactions and tomorrow will wind up its film investigation with a final questioning of Albert H. Wiggin, former president of the Chase National Bank.

Not Repaid, Says Clarke

Concluding his testimony, Clarke explained that his claim was for personal loans made for further developing sound pictures and asserted it had only been credited on the books and payment had never been made.

The dividend payment by Fox was made in July, 1931, according to evidence produced by Ferdinand Pecora, committee counsel, with most of the dividends going to General Theatres as the principal stockholders. At the time the dividend was declared it was extremely difficult to forecast the future trend of the film industry, it was declared by Herman G. Place, vice-president of the Chase Bank, a former Fox director, who testified as to the payment.

Interruption of the inquiry by Winthrop W. Aldrich, president of the Chase Bank, to state that Place was not on the Fox board when the dividend was authorized drew upon his head a sharp reprimand by Senator Couzens.

Dodge's Additional Testimony

Additional testimony by Murray W. Dodge, former vice-president of the Chase Securities Corp., developed that the bank loaned $6,000,000 to General Theatres in 1930 for market operations in Fox Film designed to strengthen the market as a basis for large refinancing operations. Dodge said the plan failed, as the market collapsed, and the loan was never repaid.

Dodge testified to the sale by Fox Film and subsidiaries of large quantities of stock from which Fox Film and Wesco realized over $70,000,000 to meet their obligations. He placed in the record a full history of the financing which resulted in tremendous losses to the Chase Bank and the securities organization.

Lee Tracy to Rest First

Hollywood, Nov. 27.—Whatever action Lee Tracy intends to take in connection with his dismissal from M-G-M will be held in abeyance until the actor has taken a complete rest.

Stuart Erwin has replaced Tracy in the new version of "Viva Villa," which started today. Myrna Loy has taken Mona Maris' place and Jack Conway is now directing instead of Howard Hawks.

Goldstone to Seek Cure

Hollywood, Nov. 27.—Because of illness Phil Goldstone has turned the production reins at Majestic over to William D. Shapiro for the next six weeks, during which the former will be at Santa Barbara under medical observation.

UNIVERSAL
marches on–here's another big one!

Fans like mystery!

Fans like action!

Fans like novelty!

Fans like drama!

Fans like romance!

HERE THEY ARE!

With Shirley Grey, Ralph Forbes, Hedda Hopper, Onslow Stevens, Tom Moore, John Wray, Brandon Hurst. Screenplay by Tom Reed from the novel by L. G. Blochman. Produced by Carl Laemmle, Jr. Directed by Edwin L. Marin. Presented by Carl Laemmle.

EDMUND LOWE *in*

KULZ
BOMBAY MAIL

Price Is No. 1 Man in Milwaukee

Fan Dancers, Overseating In Milwaukee

(Continued from page 1)

them find themselves splashing in every Saturday night.

"What's the matter with our shows? Why don't you come up and see us some time?" are questions asked by downtown showmen.

Reply the gay Milwaukee blades: "What the hell! I can take my girl to a tavern, slop around in beer until three or four in the morning and see the fans drop, all for about two bucks."

In this major American city, number one in the state of Wisconsin, price and what can be gotten for it are the factors that count. Amusement seekers are after bargains. That's what they'll buy, whether in pictures, stage shows, or beer guzzling. A nickel in a theatre admission makes a whale of a difference and proof that this statement holds is the current example of one neighborhood house, circuit controlled, which dropped its night scale from 30 to 25 cents and at the lower figure did $500 on the first day with an inferior attraction as against $350 at 30 cents top with an admittedly better attraction.

Here, where from 60 to 85 per cent of whatever business is to be had files by the cashiers' bored countenances up to 6 o'clock, seven major downtown houses, seating 16,700 combined, are in the race for grosses. That's about all there is to it; they're in the race, but even the winners are doing no cheering. The occasional big picture or the occasional stage show draw at the Wisconsin and the Palace, proverbial competitors, will net results naturally, but the black doesn't hit the ledgers regularly enough to make the general situation cheery.

The Wisconsin, a Skouras operation jerked from the Fox Midwesco toboggan, has 3,000 seats, but doesn't boast about them. As the local front for Fox, it naturally has first call on that product, as well as two-thirds of M-G-M. Local bondholders are at the controls and have turned over the big house to Harold J. Fitzgerald for operation under lease. But wheels within wheels are churning and some of these selfsame bondholders are not agreeing with others of the same ilk with ultimate results something nobody can figure at the minute. Common gossip among the well informed here tells of under-surface moves with the bondholders to turn the house over to Leo Salkin, operator of the Palace across the street. Tom and John Saxe, too, are reported making eyes.

Palace Career Rocky

The Palace, which runs 10 or 12-act stage shows around its exclusive first call on all of Paramount and all of Columbia, has had a rocky career. Orpheum had it for some time; then RKO, then Fox Midwesco and now it's back in the laps of the Uihlein Realty Co., an offshoot of one of many of Milwaukee's well known brewery concerns. Salkin, who runs and books this 3,000-seater, is the same man who was quondam general manager for the Marks Brothers in Chicago; manager for Sally Rand, who couldn't be partial to more than two fans at one time; booker for a number of hotcha Windy City night spots.

The Warner, 3,200 seats strong—or weak—is the de luxe operation here which resident film men, with the exception of the local Warner exchangemen whose rentals profit thereby, declare never should have been built because the city already had too many seats without it. As difficult to analyze as that was for them, the ways of New York have turned even more mysterious whenever the 1,400-seat Strand, hard by the Schroeder Hotel is mentioned.

Warners Annex Strand

Formerly a Fox Midwesco house, dark for the better part of the year, the Warners annexed it about Sept. 1 as a slough spot and for a roof over the head of the Warner-First National and RKO product which doesn't make the grade at the 3,200-seat Warner. Operating six weeks with indifferent product, the Strand, taken over at a $30,000 yearly rental and brushed up with $10,000 worth of paint and polish, is having a sad time of it. Designed to bolster the buying power of the Warner circuit here and up-state and to give its big first run brother greater selectivity in product, the experiment to date has been expensive with the end not yet in sight.

The Alhambra has 35 years of life behind it, only 800 seats in its orchestra and the remaining 1,100 split into two balconies into which cleaners get every day if the public does not. Universal is on the lease with two years to go at $100,000 a year and Fred S. Meyer on a sub-lease at nothing like the original fancy figure. Meyer plays Universal naturally, has call on the other third of M-G-M, but splits his equation with the Warner. Whatever Fox releases the Wisconsin doesn't want or can't use are also available to the Alhambra.

U. A. Has New Garden

United Artists finds expression here through the New Garden, operated by L. K. Brin by a deal with the Schlitz brewery interests, although U. A. is believed locally to be on some of Brin's guarantees with his landlords. His 18 promised releases from United naturally are not enough to keep the house going. Since the rest of the major lineups are pledged elsewhere, Brin fills in with whatever he can get. Thus, the Wisconsin didn't want "Charlie Chan's Greatest Case," the Alhambra held over "Only Yesterday" and the picture wound up at the New Garden.

These six theatres—the Wisconsin, Palace, Warner, Strand, Alhambra and New Garden—are the front line of first runs. The first three let them in at two bits from opening at 11:30 to 1 P. M.; send the tariff up to 35 cents from 1:30 to 6 P. M. and agree on 50 cents thereafter. The last three dip slightly under that scale. The opening bracket is identical but runs to 2:30 P. M., thereby giving the "early birds" an extra hour at low tariffs; the second is tipped to only 30 cents and the night price, which fails to draw appreciably at any of these half dozen houses anyway, ends at 40 cents. There are not many major cities in the country where prices are as low. Also there is no major city, except perhaps Cincinnati, where the thrifty German is to be found in such great numbers.

Competition Is Costly

The constant competitive clash between the Wisconsin and the Palace is leaving scars along Wisconsin Ave. The perpetual pyramiding of stage shows is costing both heavily, making it difficult—some say impossible—to come out on the basis of permanent operations and keeping Meyer, David E. Weshner, recently appointed Warner zone manager here, and Brin in a frame of mind which is anything but comfortable.

But behind it all is another factor which contributes largely to the melee and makes fixing the responsibility one tough job to pierce. To explain it requires a digression.

Max Annenberg, publisher of *Racing Form* and other turf papers and one-time publisher for Wm. Randolph Hearst, is a friend of Aaron Jones—the Jones of Jones, Linick and Schaefer, one of Chicago's pioneering theatre partnerships.

When Fox Midwesco went into bankruptcy and let loose a varied assortment of complications, two of its theatres, the Oriental and Tower, went back to Annenberg, who owns the properties. From Annenberg to Aaron Jones to Johnny, Aaron's son, the sequence went until now, when Johnny operates those houses, slips in vaudeville a couple of days a week, takes more display advertising in the Milwaukee dailies than the downtown first runs and gives the de luxers heart palpitations.

Tom and John Saxe, whose original circuit expansion in Milwaukee and throughout Wisconsin, a few years ago, later found them in a deal with William Fox, are doing ditto. They found themselves in theatre operation again when Midwesco went blooey and today in this city run the Garfield, Modjeska, Uptown, Mirth, Tivoli and Princess as the Saxe Amusement Management, Inc.

What the answer to all this is depends upon who does the talking. Jones and the Saxes feel they can run vaudeville if they like to combat downtown. The downtowners yell it's hurting and it is. Weshner, whose short tenure of office here already has made him a lot of friends, is known to be trying to ward off stage shows of the Palace and the Wisconsin type or any other type. Already he has slipped in Amos 'n' Andy with disastrous results at the Warner and isn't anxious to try any more if he can avoid it. The Wisconsin goes heavily for stage stuff because the Palace does; the Palace does because the Wisconsin does and the pair does it, say they, to meet Jones and the Saxes. There you are, but where are you?

Checks Being Discussed

And yet, because the situation is not tenable, because grosses at big theatres are knockouts when they hit around $7,000, because everyone is in the same boat and that boat is rocking sadly some sort of a check, mutually

(Continued on page 7)

Competition In Show World Of City Costly

He Offers One Way Out

Milwaukee, Nov. 27—Unbridled competition between the Palace and the Wisconsin, two of the downtown first runs, often kicks up the stage show at each to 12 acts. In addition, there is a feature thrown in, or maybe it's the other way. That prompted Etta Wiesner to suggest escape for both was to open a hotel and house their own talent.

Funnier than that, however, is Wiesner's handle which sounds, and is, feminine when the owner most decidedly is not. He is one of the town's wits, regarded as a swell guy, once had plenty out of show business and today operates the Shorewood and the Downer, neighborhood theatres here.

Strange Bedfellows

Milwaukee, Nov. 27—Nothing like appealing to all palates. Maybe that explains the how and the why of the show which just closed at the Wisconsin, Skouras first run operation here.

The picture: "Berkeley Square."

The show: "Harlem Nights with Eddie South," marqueed as "The Dark Angel of the Violin."

Also "12 Sepia Beauties."

Staging Comeback

Milwaukee, Nov. 27—"Punk" is the film gang's pet bootlegger. He's otherwise known as Jack Goldman and once worked for M-G-M as a checker.

"What's 'Punk' going to do after Dec. 5?" seemed a logical question.

"Why, simple," replied Fred S. Meyer, "He's coming back into the picture business."

Hertz States He Cut Costs $23,000,000

(Continued from page 1)

the close of a four and one-half hour examination at an adjourned meeting of Paramount Publix creditors before Referee Henry K. Davis yesterday, and was made in reply to persistent questioning, replete with damaging innuendos, by Samuel Zirn, counsel for a Paramount bondholders' group.

In the course of questioning Hertz on the Paramount credit transaction of early 1932 by which Film Productions Corp., a new Paramount subsidiary, obtained new credit from 12 banks, Zirn remarked that "the results of your stewardship were that Paramount Publix was left as a mere shell, its assets held by subsidiary companies and creditor banks given a preference before you gave up the sinking ship, isn't that so?"

Visibly stirred for the first time by Zirn's allegations, which had been frequent and unrestrained throughout the examination, Hertz characterized the question as an "ignorant one," but said that, despite that, he would give his ideas of the results of his "stewardship."

Used "Fine-Tooth Comb"

"I went over the company with a fine-tooth comb and worked myself silly trying to keep it a going concern," Hertz exclaimed. "I reduced operating costs in 1932, $23,000,000 as compared with 1931. I brought them down from $133,000,000, where they were at the end of 1931, to $110,000,000 by the end of 1932. I obtained rental reductions of $10,000,000. I secured the cancellation of a lease at Rochester, N. Y., from the Eastman Kodak Co. that had several years to run and was costing us $200,000 annually. I had 200 telephones taken out of the home office," he concluded.

"And as a result of your improvements the company went into a disgraceful bankruptcy at the end of 14 months," Zirn remarked.

"If that's what the record shows," Hertz smiled.

Attorneys for the Paramount trustees objected to Zirn's description of the bankruptcy as "disgraceful," and Referee Davis, sustaining them, ordered the adjective stricken from the record.

Repeated efforts of Zirn throughout the examination to win an admission from Hertz that he had not done everything he might have, as chairman of the finance committee, to protect the interests of stock and bonkholders of the company bore no fruit.

Hertz repeatedly maintained that he "was on the job to serve no special interests, but to do the best I could for the company, its creditors and stockholders and my own reputation."

"By aiding the company in continuing in business," he said, "I felt that I was doing the best for it and everyone having any connection with it."

In reply to a question put to him by Zirn, Hertz denied that he had sold any Paramount Publix stock "short" at any time. He testified that he had bought some of the company's stock in conjunction with Albert D. Lasker, former Paramount director, but that it had been sold eventually at a loss to both. Hertz was unable to recall how much stock had been involved in the joint purchase, but said he believed it was less than 20,000 shares.

Denies Drawing $104,000

Hertz denied that he had drawn $104,000 for the year prior to his resignation, as testified by Paramount executives earlier in the hearing, explaining that his contract called for a drawing account of $2,700 weekly, "of which I drew $1,700 weekly and contributed $1,000 a week to the company," he said.

Questioned about the $7,500 payment made on his resignation, identified earlier as the balance due on a lease for a New York apartment occupied by Hertz, the Chicago financier declared it was the only payment made him after his resignation.

"You see," he remarked, "I settled my claims against the company more cheaply than did the executives who resigned from it ahead of me."

Hertz reiterated that there had been no discussion of a receivership or bankruptcy prior to his resignation, and in this connection denied that a prepared press statement tending to show that Hertz's efforts to solve Paramount's financial difficulties had not been completely successful, had been prepared to announce a consent receivership on Jan. 2. Hertz resigned on Jan. 6 and the company consented to an equity receivership Jan. 27. He said that, as he remembered the statement, it had been prepared to announce his resignation from Paramount. The statement in question was never released, an entirely different one having been given out at the time Hertz resigned, four days later.

Hertz denied that his posts as director in various large corporations demanded more of his time than was necessary for attending occasional directors' meetings, declaring that he gave all of his time to Paramount, although his contract involved only a "part time arrangement."

Took All His Time

"I worked for Paramount," he said, "from 9 or 10 in the morning to 7 or 8 at night, with an hour for lunch and two vacations, one at Miami and one at my Cary, Ill., farm."

Explaining Paramount's retention of the Lord & Thomas and Logan advertising agency following election of Lasker, head of the agency, to the Paramount directorate, Hertz said, in reply to questions, that he had "helped to convince Paramount that Lord & Thomas and Logan was one of the most efficient agencies in the country."

He said the switch, involving "substantial" business for the agency, followed the resignation of Sidney R. Kent from Paramount. Kent, Hertz said he understood, was in charge of the company's advertising up to that time.

Questioned in connection with Paramount's sale of its half interest in Columbia Broadcasting System, Hertz said that it was "an opportunity to turn a loss into a profit; that the company got rid of a debt and obtained $1,200,000 in cash through the deal, and did it by performing a legal contract. I thought I deserved a medal for that transaction," Hertz commented.

Hertz testified that he had sought to have the stock purchase plan participated in by Paramount employes "reorganized" in 1932 to make of it a "profit sharing" plan at such time as the company's operations again became profitable.

Zirn Statements Draw Fire

Zirn's repeated allegations and innuendos throughout the examination led to several sharp clashes between himself, Referee Davis and other attorneys. The referee on one occasion charged Zirn with "misbehavior" and appeared on the verge of disciplining him. On another occasion an allusion to "racketeering" was made by Godfrey Goldmark, Paramount attorney, in commenting on Zirn's activities and procedure throughout the hearings.

Hertz was questioned first by H. J. Friendly, of counsel for the Paramount trustees, in connection with the renewal of a Paramount credit note for $292,170, held for Louis L. and Meyer Marks, former Chicago exhibitors, by the Continental Illinois Bank as agent. A one-year extension on the note was granted late in 1931 in consideration for which Paramount opened a special account of $146,000 with the Chicago bank. The deposit was not to be drawn against as long as the Marks note remained unpaid. The Chicago bank has long since laid claim to this deposit and the Paramount trustees are making efforts to free it.

Friendly also questioned Hertz in connection with rental reduction and rental deferment negotiations had with Allied Owners Corp. in 1932. The trustees are now contesting Allied's creditor claim of several million dollars, largely based on future rents.

Fan Dancers, Overseating, Taverns Trouble Beer City

(Continued from page 6)

arrived at to halt such unbridled competition is possible. It is being talked about hopefully. Certainly, any such step would help a situation which needs helping badly.

Whether or not the contemplated move will be successful in embracing Joe Cooper and the Riverside is a question mark. Cooper is the man who went the limit on dime shows in Ohio and then leased the Hippodrome, New York, on the same basis with any run pictures and a catch-as-catch-can vaudeville policy. Pretty much the same type of operation exists here. The Riverside seats 3,000, was built by RKO, later was turned over to Brin, still later went dark for a couple of months, now proceeds on a combination policy at 15, 20 and 25 cents, annoys the hell out of the higher-priced first runs because it makes the public price-conscious after the M. P. T. O. had lined up other downtowners to omit tariffs in their newspaper advertising and causes the de luxe neighborhood houses at two bits cossistent trouble.

Complex as the situation is, the end is not yet in sight. There is, for instance, the Majestic. This is a 1,400-seater, dark at the minute although it's hard to say for how long. An original member of the Orpheum family and the home of that once so powerful outfit's vaudeville in Milwaukee, it later passed to RKO and then went into second place when the Riverside was built. Brin tried his hand here, too, and for a time stock strode the boards. A year ago Lew Kane of the Mayfair, Detroit, who says things that aren't nice about H. M. Richey and the Mid-States buying combine in the Motor City took a flyer at the Majestic with vaudeville. He's been back in Detroit for some months. Anyone who tries reviving the theatre would be plain nuts in the eyes of the local film fraternity. That, however, certainly does not mean it won't be.

"Blood and thunder" houses congregate in back of Wisconsin Ave. and are the Miller, operated by Skouras; the Princess, one of the Saxe group, and the Whitehouse, destinies in the hands of O. L. Meister and the Whitehouse Theatre Co. Combining to a total seating capacity of about 5,000, their price range runs from 10 to 20 cents, sometimes 25 cents.

The legitimate houses include the Pabst and the Davidson. They are off to a stage policy beginning this fall, something Olsen and Johnson with their "Take a Chance" company will list among their fond memories. They played a week here and actually did $386 one afternoon and evening at $2.20 top. Nobody can tell, on the other hand, when either or both spots will swing back to Ufa or other foreign pictures, thereby throwing additional competition into the ring.

Last, but, as usual, by no means least, is the Auditorium. Seats, 8,000. Policy: from fights to opera. Competion: plenty.

What happened to the once dominant Fox Midwesco circuit, Wisconsin's foremost; an insight into the general economic situation in Milwaukee and the state; the NRA, the code and repeal through Badger eyes—these will be discussed in the second article in this series.

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Sears Not to Get New Post, Avers Warner

(Continued from page 1)

A. W. Smith will remain in charge of eastern and Canadian distribution.

Major Warner's statement was issued in reply to a Chicago dispatch which appeared yesterday in the MOTION PICTURE DAILY to the effect that Sears was slated for advancement.

"It would be foolish to break up the unbeatable sales combination we now have in Smith and Sears," stated Major Warner. "Smith will continue as general sales manager in charge of eastern and Canadian distribution, while Sears will continue to act as general sales manager in charge of western and southern distribution."

Sears supplemented Major Warner's denial by pointing out how embarrassing rumors of this sort are both to Smith and himself.

"Rumors of this sort are unfair to both Smith and myself," he said. "Andy and I are working together, and to have either one or the other mentioned in a story of this sort is not only embarrassing to both of us, but it does irreparable harm."

Denver Tips "Duck Soup" $11,000 Top

DENVER, Nov. 27.—"Duck Soup" drew like a house afire at the Denham last week, piling up a gross of $11,000 for the week. This is above normal by $3,500.

"Footlight Parade," held over for a second week at the Aladdin, was still good for $4,250, topping average by about 20 per cent. "Christopher Bean" was also a strong draw at the Denver, going over par by $1,000 for a gross of $8,500.

Total first run business was $35,550. Average is $30,500.

Estimated takings for the week ending Nov. 23:

"FOOTLIGHT PARADE" (Warners)
ALADDIN—(1,500), 25c-40c-50c, 2nd week, 7 days. **Gross:** $4,250. (Average, $3,500.)
"DUCK SOUP" (Para.)
DENHAM—(1,500), 25c-30c-40c, 7 days. Stage show. **Gross:** $11,000. (Average, $7,500.)
"CHRISTOPHER BEAN" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $8,500. (Average, $7,500.)
"THE CHIEF" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show with Fred Schmitt's orchestra. **Gross:** $9,000. (Average, $10,000.)
"WILD BOYS OF THE ROAD" (F. N.)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $1,000.
"DAY OF RECKONING" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,800. (Average for the week, $3,500.)

"Prizefighter" Is Indianapolis Lead

INDIANAPOLIS, Nov. 27. — "The Prizefighter and the Lady" took top honors here last week at the Palace with a gross of $6,000, over par by $1,500.

"Right to Romance" at the Circle was the only above-normal attraction. It grossed $4,000. Other first runs were off.

Total first run business was $22,500. Average is $26,500.

Estimated takings for the week ending Nov. 18:

"AFTER TONIGHT" (Radio)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)
"RIGHT TO ROMANCE" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)
"KENNEL MURDER CASE" (Warners)
INDIANA—(3,300), 25c-55c, 7 days. **Gross:** $6,000. (Average, $10,000.)
"THE MAYOR OF HELL" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $6,000.)
"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500.)

Arcadia to Go Dark

WILMINGTON, Nov. 27.—The Arcadia, a Stanley-Warner first run, will shut down Dec. 2. William Gallagher, manager, has been transferred to the Lansdowne at Lansdowne, Pa. The Savoy, an S-W second run, closed again recently.

Fairbanks Starts Soon

LONDON, Nov. 27.—Douglas Fairbanks' first for London Film Productions will start shortly. Preparations for "Exit, Don Juan" are now under way. It will be released by United Artists.

Philadelphia Gives "Angel" Huge $32,500

PHILADELPHIA, Nov. 27.—"I'm No Angel" left the Stanley cashiers gasping for air last week. The $32,500 gross was just $20,500 over normal and that's far enough over normal to cause a sensation in any section of this town. It wasn't quite up to the "Frankenstein" record, but it was close enough to make a lot of Stanley-Warner executives happy.

"The Private Life of Henry VIII" was also something to get excited about. It piled up $11,400 at the Aldine, running past the par mark by $4,400. The rest of the town, with the exception of the second run of "Footlight Parade" at the Karlton, was off.

Total first run business was $102,950. Average is $84,700.

Estimated takings for the week ending Nov. 23:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $11,400. (Average, $7,000.)
"RAFTER ROMANCE" (Radio) (2nd run)
ARCADIA—(600), 25c-40c-50c, 3 days. **Gross:** $850. (Average, 6 days, $2,400.)
"CHRISTOPHER BEAN" (M-G-M)
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,500. (Average, $12,000.)
"DINNER AT EIGHT" (M-G-M)
CHESTNUT—(1,500), 55c-$1.65, 6 days, 4th week. **Gross:** $5,000. (Average, $7,000.)
"MEET THE BARON" (M-G-M)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Dave Apollon's revue; Wills and Davis, and James Evans and Co. **Gross:** $11,000. (Average, $12,000.)
"JIMMY AND SALLY" (Fox)
FOX—(3,000), 35c-55c-75c, 6 days. Stage: Lou Holtz and his Winter Garden Revue. **Gross:** $15,500. (Average, $16,000.)
"FOOTLIGHT PARADE" (Warners) (2nd run)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,700. (Average, $3,500.)
"CURTAIN AT EIGHT" (Majestic)
KEITH'S—(2,000), 25c-35c-40c, 6 days. Vaudeville. **Gross:** $6,000. (Average, $7,000.)
"I'M NO ANGEL" (Para.)
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $32,500. (Average, $12,000.)
"ACE OF ACES" (Radio)
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $7,000.)

Cleveland Gets Another

CLEVELAND, Nov. 27. — Although already over-seated, Cleveland will have a new theatre about Christmas time. Robert McLaughlan, former manager of the Ohio, heads a group of local men who are converting the erstwhile Woman's City Club into a theatre for stock stage presentations, with an adjoining cafe, to which patrons may go between acts. The theatre will be called the Town Hall, and admission price will be held to $1.

Ten Cincy Houses Reopen

CINCINNATI, Nov. 27.—Continuance of improved conditions in the Cincinnati territory is reflected in the fact that 10 houses reopened in October, with only four going dark, according to information released by the Cincinnati Film Board of Trade.

Assign Miss Carlisle

HOLLYWOOD, Nov. 27.—First assignment for Kitty Carlisle under her Paramount contract will be "Murder at the Vanities." The recently signed player is now appearing in "Champagne Sec" in New York.

Improving the Bible

Hollywood, Nov. 27.—Hollywood's old adage, "Let no one cast the first stone," was recently changed by a local critic after reviewing a picture to

"Someone should stone the cast."

"Way to Love" and Amos Buffalo Top

BUFFALO, Nov. 27.—Amos 'n' Andy in person proved a healthy adjunct to "The Way to Love" and the Buffalo soared to $21,000, or $6,000 above par. "Footlight Parade" also was $1,000 over normal in its second week. Warmer weather after the near-zero spell helped.

Total first run take was $54,200. Normal is $48,300.

Estimated takings for the week ending Nov. 24:

"THE WAY TO LOVE" (Para.)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Amos 'n' Andy, Stone & Vernon, Cass, Mack & Owen, Mickey Conti. **Gross:** $21,000. (Average, $15,000.)
"EVER IN MY HEART" (Warners)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,900. (Average, $6,000.)
"FOOTLIGHT PARADE" (Warners)
GREAT LAKES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $11,000. (Average, $10,000.)
"BROADWAY THRU A KEYHOLE" (U. A.)
HIPPODROME—(2,100), 25c-40c, 7 days. Stage: Benny Ross & Maxine Stone, Runway Four, Sue Hastings' Marionettes, Johnny Woods, Ethel Parker & Sandino with O'Connell Sisters and Bob Davis, Billy Farrell & Dad, Hatt & Herman, Bentell & Gould. **Gross:** $8,700. (Average, $10,000.)
"NIGHT AND DAY" (Gainsborough)
HOLLYWOOD—(300), 25c-40c, 7 days. **Gross:** $400. (Average, $800.)
"MASTER OF MEN" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,200. (Average, $6,500.)

AMPA Drops Twenty Delinquent Members

The executive committee of the AMPA is still cleaning house. Meeting at the Hotel Astor yesterday the group decided to drop 20 members who have been in arrears on dues. All printers and engravers are now out of the association and efforts are being made to bring back to active participation some of the more prominent names who dropped out years ago.

In a move to foster the general welfare of its roster, the AMPA will refund to the *Film Daily* Relief Fund $1,500 which was spent taking care of the organization's men in need at one time or another.

Incidentally trade paper men are being asked to become active despite the recent attack on them by Columbia.

Kane to Make Three

HOLLYWOOD, Nov. 27.—In addition to producing George White's "Scandals," Robert Kane has contracted to make two more for Fox. First of the two additional films will be a musical spectacle with a gypsy Hungary background with Erik Charrell, Continental stage director, handling the megaphone. The last of the three will be with Charles Boyer, English actor, directed by Hans Schwartz, formerly with Ufa.

Kane's knowledge of European talent with Paramount accounts for the new productions.

"Footlight" Big in 2nd Seattle Week

SEATTLE, Nov. 27.—In another "off" week, top honors went to "Footlight Parade" in its second week at Hamrick's Music Box. The second seven days' run showed a gross of about $5,500, against a normal first week of $4,000. It was held again.

"My Weakness," despite an elaborate teaser campaign and advance publicity, failed to show much strength at the Fifth Avenue, taking a normal $7,000. The third week of "I'm No Angel" at the Paramount fell to $4,500.

"After Tonight" at the Blue Mouse was below par, as was "There Goes the Bride" at the Metropolitan. Roscoe Ates in person at the Roxy helped build grosses a bit at that house, but the Orpheum vaudeville-film show was not strong.

Total first run business was $39,500. Average is $42,000.

Estimated takings for the week ending Nov. 18:

"AFTER TONIGHT" (Radio)
BLUE MOUSE—(950), 25c-35c-40c-55c, 7 days. **Gross:** $3,500. (Average, $4,000.)
"MY WEAKNESS" (Fox)
FIFTH AVENUE—(2,450), 25c-35c-40c-55c, 7 days. **Gross:** $7,000. (Average, $7,000.)
"THE AVENGER" (Monogram)
"THE LAST TRAIL" (Fox)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $4,000. (Average, $4,000.)
"THERE GOES THE BRIDE" (Gaumont-British)
METROPOLITAN—(1,300), 20c-30c-40c, 6 days. Guterson's orchestra and prologue. **Gross:** $2,500. (Average, $3,500.)
"FOOTLIGHT PARADE" (Warners)
MUSIC BOX—(950), 25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $5,500. (Average, first week, $4,000.)
"TILLIE AND GUS" (Para.)
ORPHEUM—(2,500), 25c-35c-50c, 7 days. Vaudeville headed by Gilbert Revue. **Gross:** $6,000. (Average, $7,000.)
"I'M NO ANGEL" (Para.)
PARAMOUNT—(3,050), 25c-35c-40c-55c, 7 days, 2nd week of extended run from Fifth Avenue. **Gross:** $4,500. (Average, first week, $6,000.)
"ABOVE THE CLOUDS" (Col.)
ROXY — (2,275), 25c-35c-50c, 7 days. Vaudeville headed by Roscoe Ates. **Gross:** $6,500. (Average, $6,500.)

St. Clair Walks Out

HOLLYWOOD, Nov. 27.—Following a disagreement between George Marshall, supervisor of Fox's "Heir to the Hoorah," and Director Mal St. Clair, the latter walked out, with Marshall stepping in to assume the directorial reins. "Heir to the Hoorah" features George O'Brien and has been in production about a week.

'U' Gets Chester Morris

HOLLYWOOD, Nov. 27. — Chester Morris has been signatured to a three-year contract by Universal, with the paper calling for three pictures a year. This will not prevent him from working on other lots. His first will be an untitled original by William Anthony McGuire, who is now penning the script.

Cooper, Kahane Confer

HOLLYWOOD, Nov. 27.—B. B. Kahane is conferring with Merian C. Cooper at San Francisco, where the later has just arrived from Honolulu, on future production plans of Radio.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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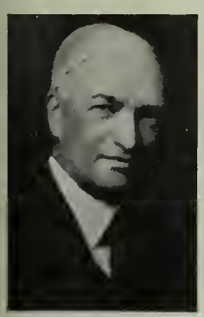
CODE AUTHORITY NAMED; FINAL TEXT NOT RELEASED

Death Comes To Wilstach; Ill 2 Weeks

Frank J. Wilstach, advertising and publicity contact for the M.P.P.D.A. for the past eight years, died yesterday afternoon at Manhattan General Hospital following a major operation performed several hours earlier.



Frank J. Wilstach

Wilstach, widely known in film and theatre circles, was taken ill about two weeks ago with influenza. Complications developed and when his condition failed to improve up to last week-end he was taken to the hospital. Yesterday his major ailment was diagnosed as an abscessed liver

(*Continued on page* 11)

Detroit Independents Name Komer as Head

DETROIT, Nov. 28.—Charles Komer was elected president of the Independent Theatre Owners of Detroit at a meeting of the organization today. The board of directors includes Komer, Attorney Adrian D. Rosen, John O'Dell, Joseph Portell, William Schulte, Al Ruttenberg.

Purpose of the new organization is to aid exhibitors and cooperate with

(*Continued on page* 11)

Four with Shubert Rowland-Brice Plan

William Rowland and Monte Brice will make four features with Lee Shubert, stage producer, for United Artists release this season, Rowland said yesterday.

All four pictures will be based on Shubert stage productions, and the first goes into work next week at Eastern Service Studios, Astoria. It will be based on "The Street Singer,"

(*Continued on page* 11)

Effective Dec. 7

The code becomes effective for the industry next Thursday, Dec. 7, in accordance with Article 1 of the pact which specifies the "effective date" as 10 days following approval of the code by the President.

Exhibitors and distributors who have not signed the code by Jan. 10, 45 days after its approved by the President, are barred under the grievance board section from filing complaints under any article of the code against other exhibitors or distributors. Non-signers, however, may have complaints filed against them by those who have signed the code.

Wiggin Denies Fox Charges in Probe

WASHINGTON, Nov. 28.—Winding up its study of film stocks, the Senatorial committee investigating Wall Street today learned that more than

(*Continued on page* 4)

Administrator Johnson, at Atlanta, Announces Personnel, but Holds Back the Approved Draft

ATLANTA, Nov. 28.—Administrator Hugh S. Johnson stopped over here today on his way to Washington and made known the personnel of the code authority, but refused to release the text of the code. He said he would leave here early tomorrow morning by plane and would release it from NRA headquarters following his arrival, along with the executive order signed by the President defining what sections of the code are to be suspended for 90 days and how it will operate.

The official personnel of the code authority, in addition to the three Presidential appointees announced last night in Warm Springs —A. Lawrence Lowell, president emeritus of Harvard, Eddie Cantor and Marie Dressler—is:

H. M. Warner, president of Warners; Nicholas M. Schenck, president of Loew's, Inc., and M-G-M; S. R. Kent, president of Fox; George J. Schaefer, vice-president and general manager of Paramount, and Merlin H. Aylesworth, president of RKO, as representatives of major producing and exhibiting interests, and R. H. Cochrane, vice-president of Universal; W. Ray Johnston, president of Monogram; Ed Kuykendall, president of the M. P. T. O. A.; Charles L. O'Reilly,

(*Continued on page* 4)

Johnson Sees Film While World Waits

ATLANTA, Nov. 28—General Hugh S. Johnson caused almost as much anxiety for about nine hours today as the famous "Lost Battalion" of World War fame. The NRA general staff in Washington explained to a group of newspaper men from time to time that he was on his way north by plane; that he was not on his way north by plane, but by train, instead,

(*Continued on page* 4)

Cantor for Fair Trial; Marie Dressler Pleased

A fair trial for all sections of the code, regardless of personal views, will be Eddie Cantor's ruling policy when he takes office as a member of the code authority, the radio and picture comedian said yesterday.

Eddie Cantor

Cantor declared that while he still opposed Article 5, governing talent raids and salary control, he felt that changes would eventually be made in these and any other clauses which were revealed, in practice, as working disadvantages on any industry branch.

"I think that producers themselves

(*Continued on page* 4)

HOLLYWOOD, Nov. 28.—Expressing "complete surprise" over her appointment to the code authority by President Roosevelt on Monday, Marie Dressler today expressed pleasure at the opportunity it afforded her to be of service to the Administration.

Marie Dressler

"Since the President wants me to serve," Miss Dressler said, "I will do all I can to help. I feel that it is up to all of us to jump in and help President Roosevelt in the splendid work he is doing for our country and his people at this time."

Code Yet Unsigned By U. A.—Schenck

United Artists has not signed the code yet, Joseph M. Schenck, president, said last night, indicating at the same time that the company's signature awaited release of the code as signed by President Roosevelt on Monday.

Schenck reaffirmed his opposition to

(*Continued on page* 4)

No Daily Tomorrow

***Motion Picture Daily* will not be published tomorrow, Thanksgiving Day.**

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French "Pigs" in Canada

TORONTO, Nov. 28.—"Three Little Pigs" is getting another series of first runs in the French language and is being ballyhooed as funnier than the English version.

Pollard in Radio City

The "Bud" Pollard Productions have leased space in the RKO Building at Rockefeller Center.

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Looking 'Em Over

"Master of Men"

(Columbia)

"Master of Men" presents Jack Holt in his specialty of impersonating close-lipped men of action. This time he is a foreman in a steel mill who rises to the top, tastes success for a time as president of the outfit for which he once was a paid hand, then plunges back to where he started when his overpowering ambition turns into a boomerang. His downfall has a happy note, in that it brings him back to his senses and returns him to his wife, whom he is about to lose, as a result of too much attention to business.

The film moves at a fast pace, thanks chiefly to a series of sequences showing Holt's feverish attempts to seize control of his company through stock market manipulations. The plot itself is like others of its type, yet it manages to retain considerable interest.

The production is well mounted and Fay Wray, as Holt's wife, displays a number of style creations that may draw feminine minds away from the fact that the film is not strong from the woman's angle.

"Master of Men," as Holt films in general, is fare for the younger people. Holt plays in his customary he-man fashion. Miss Wray, aided by Theodor Von Eltz, as the rival, helps things along considerably. But the prize performance is that of Walter Connolly, who plays a veteran of the stock market.

May Go to Radio City

Universal Pictures home office will be moved to Radio City quarters about the first of the year if lease negotiations now under way are consummated, as expected, within the next few days. Universal's 10-year lease on its Heckscher Building space expires May 1, 1934.

Headliners for AMPA

Lenore Ulric, Gregory Ratoff, Paul Whiteman, the Yacht Club Boys, Frank Parker, Lillian Bond, Jean Sargent, Phil Dewey and Jack Fulton are slated to be A.M.P.A. guests today.

Asher Buys "Daughter"

Harry Asher of American Pictures, Inc., Boston, has acquired the New England rights to "Enlighten Thy Daughter," the first of four from Exploitation Pictures.

Lesser Sails Today

PARIS, Nov. 28.—Sol Lesser, president of Principal, who has been touring Europe on business for the past several weeks, plans to sail for home Wednesday.

Mo. House Passes Tax

ST. LOUIS, Nov. 28.—The Missouri House today passed Governor Park's one per cent retail sales tax bill and also overwhelmingly defeated the Ways and Means Committee's substitute bill of one-quarter of one per cent on all retail sales and services for hire. The Park Bill now goes to the Senate.

Lyons and Brady Split

BUFFALO, Nov. 28.—Jack Lyons and Basil Brady, independent distributors, have dissolved their partnership. Lyons will continue to operate the Buffalo Film Exchange, Inc. Brady has taken over a number of Pathe reissues and will handle them in the Buffalo territory, possibly aligning himself with the Film Classic exchange.

Ratoff, Ulric Confer

Gregory Ratoff has been conferring with Lenore Ulric on "I Love an Actress," which he wrote for Radio. Miss Ulric will be starred in the picture with Ratoff playing opposite. Humphrey Pearson is adapting the story and Miss Ulric leaves for the coast Saturday to start preparatory work at the studio.

Universal Pfd. Up One

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24⅝	24	24⅛	— ½	500
Consolidated Film Industries	2½	2⅜	2⅜	— ½	200
Consolidated Film Industries, pfd	8⅞	8⅝	8⅝	— ⅜	100
Eastman Kodak	77½	76¼	76¼	— ¾	1,100
Fox Film "A"	14	14	14	+ ⅜	100
Loew's, Inc.	28½	28⅞	28½	+ ⅝	500
Paramount Publix	1⅝	1½	1½	— ⅛	1,600
Pathe Exchange	1¾	1⅝	1⅝	.....	600
Pathe Exchange "A"	10⅛	10	10	+ ⅛	200
RKO	2	2	2	.....	1,400
Universal Pictures, pfd	21⅜	21	21	+1	12,000
Warner Bros.	5⅞	5⅝	5¾	— ⅛	1,900

Technicolor Lone Curb Issue

	High	Low	Close	Net Change	Sales
Technicolor	10⅛	9¾	9¾	— ⅝	600

Bond Market Inactive

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3½	3½	.....	1
Loew's 6s '41, ww deb rights	80¼	80¼	80¼	.....	1
Paramount Broadway 5½s '51	28¾	28¾	28¾	— ¼	3
Paramount F. L. 6s '47	23	23	23	.....	1
Warner Bros. 6s '39, wd	39	38¼	38¼	— ½	100

Purely Personal

DAVE DAVIDSON, publicity director of the Paramount in Brooklyn, yesterday became a daddy. It's a girl. MRS. DAVIDSON is doing well at the United Israel Zion hospital in Brooklyn.

COLLETTE LYONS, musical comedy, vaudeville and picture star, is scheduled to join a "Strike Me Pink" unit, playing the RKO circuit.

ED ROBERTS of the Paramount publicity department returns from Dallas shortly. He has been on a leave of absence.

CHARLES LAMONT is readying "The Fur Flies," which is to be produced by Educational in the east.

KARL KRUG, U. A. publicity chief, is driving to Pittsburgh to spend the holidays with his family.

GREGORY RATOFF opens Friday at the Loew's State and then goes to Loew's in Baltimore.

BEATRICE VAN has been added to the Educational writing staff.

HAL OLVER, special exploiteer for RKO, has resigned.

Nominate Exhibitor As Mayor of Ottawa

OTTAWA, Nov. 28.—P. J. Nolan, owner of the Avalon, Columbia and Roxy theatres, has been nominated as mayor for the coming year. Nolan is well known as an independent exhibitor.

C. Skouras in Seattle

SEATTLE, Nov. 28.—Charles Skouras, Marco Wolf and Michael Rosenberg have been here conferring with Frank Newman, Albert Rosenberg and Albert Finkelstein, heads of the Evergreen State Theatres Corp. circuit in this territory. The destinies and policies of the Orpheum and Paramount are understood to have been discussed.

S. Skouras in, Off Soon

Spyros Skouras last night returned from Chicago and St. Louis and plans to leave for the coast at the end of the week with Ralph Harris of Hughes, Schurman & Dwight, attorneys. They will confer with the trustees of Fox West Coast on reorganization plans.

Fined $250 as Bomber

BIRMINGHAM, Nov. 28.—H. S. Gilmer has been fined $250 and costs. Judge H. B. Abernethy held him guilty of planting a time bomb in the Fairfield Theatre Oct. 26. He has appealed to the Circuit Court.

Robbins on the Coast

HOLLYWOOD, Nov. 28.—Herman Robbins, president of National Screen Service, is here from New York for trailer conferences. His stay on the coast is indefinite.

Personnel of Code Authority

Atlanta, Nov. 28.—Official information as to the personnel of the code authority was obtained here today from Administrator Hugh S. Johnson. Representatives of the major distribution and exhibition branches of the industry are: H. M. Warner, president of Warners; Nicholas M. Schenck, president of Loew's, Inc., and M-G-M; S. R. Kent, president of Fox; George J. Schaefer, vice-president and general manager of Paramount, and Merlin H. Aylesworth, president of RKO.

Representing distributors with no theatre affiliations, exhibitors with no distribution affiliations and independent producers and exhibitors are: R. H. Cochrane, vice-president of Universal; W. Ray Johnston, president of Monogram; Ed Kuykendall, president of the M.P.T.O.A., and Nathan Yamins, president of the I.T.O. of New England and a member of the board of directors of Allied States.

HARRY M. WARNER
President, Warners

NICHOLAS M. SCHENCK
President, Loew's-M-G-M

SIDNEY R. KENT
President, Fox Films

GEORGE J. SCHAEFER
Vice-President, Paramount

M. H. AYLESWORTH
President, RKO Corp.

ROBERT H. COCHRANE
Vice-President, Universal

W. RAY JOHNSTON
President, Monogram

ED. KUYKENDALL
President, M. P. T. O. A.

CHARLES L. O'REILLY
President, T. O. C. C.

NATHAN YAMINS
President, I. T. O., New England

Authority Is Set, But Code Text Delayed

(*Continued from page* 1)

president of the Theatre Owners' Chamber of Commerce, and Nathan Yamins, president of the I. T. O. of New England and a member of the board of directors of Allied States, representing unaffiliated producers, distributors and exhibitors.

Johnson left Warm Springs Monday night by auto for Atlanta and it had been expected that he would depart from this city early this morning by plane, but he decided to stay over here for a day of rest.

WASHINGTON, Nov. 28.—Members of Administrator Hugh S. Johnson's staff spent most of today wondering when their chief would arrive. During most of the morning it was expected that he would arrive about noon. When he failed to arrive late in the afternoon extensive telephoning developed the fact he was still in Atlanta.

In the meantime industry representatives and trade and daily newspaper men awaited release of the code. A copy of the draft taken to Warm Springs by General Johnson was in Deputy NRA Administrator Sol A. Rosenblatt's office, but he refused to release it until receipt of an executive order.

Johnson Sees Film While World Waits

(*Continued from page* 1)

and that he was still at Warm Springs.

As a matter of fact, he was enjoying a film show here most of the afternoon and his Army plane was resting quietly at the airport a few miles from the city with a pilot and mechanic giving it a careful inspection.

General Johnson left Warm Springs last night by motor and most of the newspaper men there assumed he was making a quick dash here to get away by plane early this morning, as most of his recent travels have been by an Army plane. The local newspapers did not realize that he was still in the city until about 2 o'clock this afternoon when the news syndicates began to inquire what had happened to him. A checkup showed that he was registered at the Biltmore. His secretary said he had gone out for a stroll and to see a picture.

City editors ordered out their star reporters to interview him, but the general hadn't mentioned what picture he was going to see, and checking all the first runs, second runs and neighborhood houses hereabouts is an afternoon's work for any reportorial staff, especially when ushers were unfamiliar with the general's appearance.

By the time the general returned to the hotel late in the early evening the hotel had been swamped by calls from Warm Springs, Washington and New York.

It was a day of rest and relaxation for the NRA administrator, but nearly everybody else interested in the code was in a state of exhaustion.

Cantor for Fair Trial; Hails Naming of Lowell

(*Continued from page* 1)

will eventually see the wisdom of dropping the salary control clause entirely," Cantor said. "No control of actors' salaries is possible because they are not paid by the producers but by the public. An actor is worth as much as the public is willing to pay him. Even if there were an agreement among producers not to pay certain actors more than a certain amount, they couldn't make it work because they're not on the square with each other. A competing producer, if he wanted a certain star badly enough, would find ways of circumventing the agreement."

Dr. A. L. Lowell

Cantor said that the only experience he has ever had which would qualify him for the post on the code authority was the experience of "being fair." He said that if it were necessary for him to quit stage and picture work in order to serve on the code authority, which will meet in New York, probably on a bi-monthly routine, he would do so, confining his professional activities to radio broadcasts from New York.

Commenting on the appointment of Dr. A. Lawrence Lowell, president-emeritus of Harvard, to the code authority, and on Cantor's own views on censorship, the comedian declared that there is "plenty of room for cleaning" and that a start on it "is long overdue."

"Dirty pictures are an industry disease," Cantor said, "and if Dr. Lowell succeeds in curing the industry of them he may well become the saviour of the industry."

"Have you been formally notified of your appointment to the code authority?" Cantor was asked.

The comedian looked bewildered.

"Gosh, no, I haven't," he exclaimed. "Say, do you think it's on the square? Maybe the President thought: 'Eddie, you told me a lot of jokes here at Warm Springs, now here's one for you.'"

Dr. Lowell Refuses to Discuss His Code Post

BOSTON, Nov. 28.—Attempts to obtain a statement from A. Lawrence Lowell on his appointment to the code authority were unsuccessful tonight when he was reached at his home here by MOTION PICTURE DAILY.

In accordance with the policy he established as president of Harvard of refusing to talk to the press because, he claimed, he was repeatedly misquoted on the few occasions on which he did speak for publication, Dr. Lowell told the M. P. DAILY representative: "I can't talk to you. I never talk to the press."

Dr. Lowell, as honorary president of the M. P. Research Council, was brought to the attention of the Administration in connection with the film code through the activities of that organization in developing public support for its campaign for the right to buy and the elimination of block booking and blind buying. The campaign was led by the Rev. William Short, active head of the organization in New York, who obtained signatures of clubwomen, professional dignitaries and other prominent individuals, among them Mrs. Calvin Coolidge.

Subsequent code meetings of the council in Boston and New York, supported by individual members of independent branches of the industry, resulted in new forces being enlisted in the council's moves for code changes.

Administrator Hugh S. Johnson declared Monday in announcing President Roosevelt's appointment of Dr. Lowell to the code authority that the former Harvard president would observe "efforts of the industry to comply with its own rules of censorship of improper pictures and dialogue," and would report his observations to the administrator and the President.

Kent Back from Europe

Sidney R. Kent, president of Fox, returned yesterday from a European business trip. He was accompanied by Walter J. Hutchinson, managing director of Fox in England, and Mark Ostrer, managing director of Gaumont-British.

Kent may remain here for organizing activities of the code authority, his appointment to which was officially confirmed yesterday, but plans to leave for the coast with Spyros Skouras, Fox theatre head, as soon as possible.

Code Yet Unsigned By U. A.—Schenck

(*Continued from page* 1)

Article 5 of the code, intimating that he expected the final code to contain vital modifications in the provisions covering talent "raids" and penalties for payment of excessive salaries. He did not reveal, however, whether or not signing of the code by United Artists and 20th Century Pictures, of which he is also president, was dependent upon the revisions in Article 5 which he expects.

Long Out of Columbia

HOLLYWOOD, Nov. 28—As a result of differences between Harry Cohn and Ray Long, the latter's contract as story editor of Columbia has been cancelled by mutual agreement. Long says he is returning to the publishing field. No successor has been named.

Wiggin Gives Fox the Lie As Quiz Ends

(*Continued from page* 1)

$2,000,000 was dropped by the Shermar Corp., the personal trading company of Albert H. Wiggin, former president of the Chase National Bank, in pool transactions in General Theatres Equipment and Fox Film stocks.

Wiggin denied allegations made by William Fox last week that, when advised of the interest of former President Hoover in keeping Fox Films from bankruptcy, he told Claudius Huston, his informant, to tell the President to mind his own business.

The windup of the film stock probe was tame, Wiggin merely testifying regarding profits and losses of his personal corporation and disclosing that it had paid $1,000,000 to the Chase Securities Corp. in settlement of claims amounting to several millions.

Wiggin verified figures produced by Ferdinand Pecora, committee counsel, showing that Shermar made $332,000 in Fox stock and lost $1,572,000 in General Theatres Equipment. Shermar was said to have participated in 13 pools in the two stocks.

Pecora has a wire from Louis B. Mayer in which the producer denies Fox's testimony of several days ago which attributed to him the statement that he had caused records of the Department of Justice to be altered so that he would appear as having disapproved of the Fox-Loew film merger. Pecora's comment on the message was that if Mayer wished to offer testimony he should appear in person before the committee.

With his testimony before the committee completed, Harley L. Clarke sails for Europe on Wednesday, it was learned here today.

Myers Calls Allied Committee Meeting

DETROIT, Nov. 28.—Abram F. Myers has called a meeting of the national managing committee of Allied for Tuesday, Dec. 12 at Grand Rapids, preceding the annual convention of Allied of Michigan. Members are Col. H. A. Cole, Sidney Samuelson, Nathan Yamins, Bennie Berger and Ray Branch. Other Allied leaders also will attend to discuss and take action on the signed code. The Michigan convention opens the afternoon of Dec. 12 and continues through Dec. 13.

Allied to Meet at Trenton on Dec. 19

The adjourned 14th annual convention held at Atlantic City Sept. 25-27 will be continued by Allied of New Jersey in Trenton on Dec. 19, the unit decided yesterday at its regular meeting. The product situation for independent theatres in the local territory also was discussed, but no action taken.

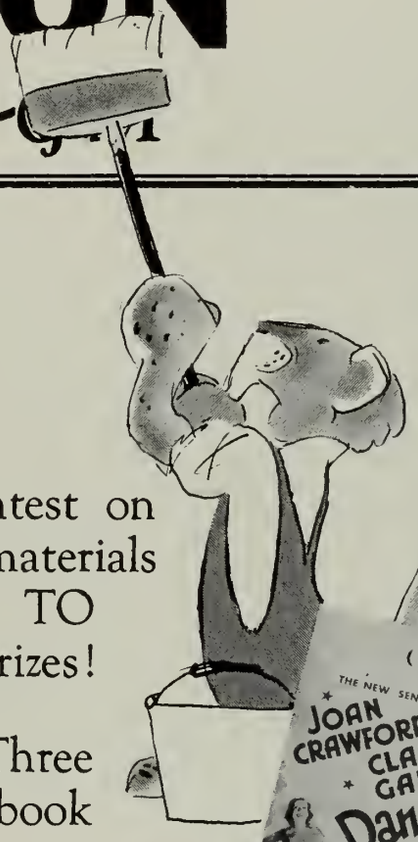
Abram F. Myers is expected to attend the Trenton meet.

JOAN CRAWFORD

"DANCING LADY" EXPLOITATION SECTION

CLARK GABLE

By Leo of M-G-M



CONTENTS:

Modern Screen Magazine Contest on "Dancing Lady." Display of materials used in contest. FREE TRIP TO HOLLYWOOD and other prizes!

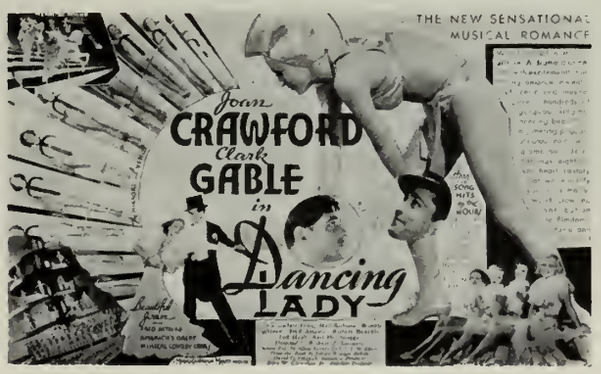
Special newspaper advertising. Three smash ads in addition to press book campaign.

Special publicity stunt successfully planted in New York. How you can do it locally.

Jumbo Display Card (22 x 28) in 4 colors

FLASH HERALD (7 x 11) in 4 colors

Herald Cover



Inside Spread of Herald

Back Cover of herald has large imprint space

Eye stopping window card in full colors, has large imprint space

TURN PAGE PLEASE!

THIS ADVERTISEMENT REACHES MANY MILLIONS OF FANS!

Just part of the great ballyhoo behind the "Dancing Lady" contest. In addition to car cards, window cards, wagon lithographs, free star photos, etc.

FREE

PRIZE

OFFERED IN MODERN SCREE MAGAZINE CONTE

1st—A free trip to Joan Crawford in H lywood, to go pl and see things as glamorous star's gu

2nd—A Crosley She dor Refrigerator

3rd—$100 in cash.

4th—A Crosley D Tone Low-Boy Ra

5th—Ten prizes of a M Factor make-up

6th—Five prizes of each.

7th—Ten prizes of

TRIP TO HOLLYWOOD!

Modern Screen Magazine Contest is the Biggest Promotion Stunt of the season!

ABOVE: Promotion materials of the Contest!

For months *Modern Screen Magazine* has carried full details of a Joan Crawford contest which is national exploitation for "Dancing Lady." Included in these illustrated accessories are car cards, large window hangers, printed photo give-aways and blow-ups—all in full colors—for chain stores, newsstands and co-operating dealers. Free trip to Hollywood, with Miss Crawford acting as hostess, is First Prize award. Get in on this contest which is live material with at least a half dozen promotion angles, including lobby and windows. Where additional assistance might be required, contact Modern Screen direct, 100 Fifth Avenue, New York City.

PHOTOS AT M-G-M EXCHANGES

Above and to the left are special poses of Joan Crawford with Contest Prizes. They're great for Dealer window tie-ups!

OTHER BIG IDEAS IN PRESS SHEET!

Consult M-G-M campaign book on "Dancing Lady" for music tie-ups, book-store displays, fashion photos, alluring Joan Crawford statue, and a thousand other showmanship stunts.

(over please)

AMERICA'S DANCING DAUGHTER

greets you with songs and happiness!

THE MOST SENSATIONAL MUSICAL TRIUMPH OF OUR TIMES!

"EVERYTHING I HAVE IS YOURS"—Song Hit!

FRED ASTAIRE with JOAN

Joan
CRAWFORD

Clark
GABLE
in
Dancing
LADY

with 300 exotic, dancing ladies!

And a cast of brilliant personalities:
FRANCHOT TONE · MAY ROBSON
WINNIE LIGHTNER · FRED ASTAIRE
ROBT. BENCHLEY · TED HEALY and his Stooges

Directed by **ROBERT Z. LEONARD**

You go completely gay...gloriously happy...because this entertainment not only TOPS ALL MUSICAL PICTURES but what a thrilling story! Bringing together again the electrifying screen lovers **JOAN CRAWFORD** and **CLARK GABLE.** Dazzling sights to see, merry melodies to hear, magic moments of thrill and splendor to tell you that here's the heart-cheering hit of the year.

A METRO-GOLDWYN-MAYER PICTURE

Above:
MIRRORS OF VENUS

MERRY-GO-ROUND GIRLS
and many more dazzling scenes

Below:
FRANCHOT TONE says sweet things to gorgeous **JOAN!**

150 lines x 4 cols.

"DANCING LADY"—it's a pleasure to promote it!

EXTRA PROFITS IN EXTRA AD SPACE!

There's happiness in every line of copy! Get the mats and let your public know that you've got the biggest musical of them all!

TOGETHER AGAIN *in the Year's* SENSATIONAL MUSICAL HIT!

"EVERYTHING I HAVE IS YOURS" *Joan's song hit!*

Joan CRAWFORD

Clark GABLE

and 300 adorable dancing damosels

SIGHTS TO SEE:
MIRRORS OF VENUS
MERRY-GO-ROUND NUMBER
ELECTRICAL BALLET
BEAUTIES IN CELLOPHANE

SONGS TO HEAR:
"MY DANCING LADY"

and many another cheerful earful!

FRED ASTAIRE *Dance Genius*

Dancing Lady

PLUS YOUR FAVORITE PERSONALITIES

FRANCHOT TONE · MAY ROBSON
WINNIE LIGHTNER · FRED ASTAIRE
ROBT. BENCHLEY · TED HEALY *and his Stooges*

Directed by ROBERT Z. LEONARD

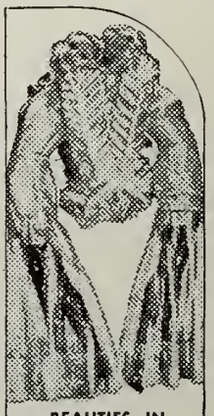
Ninety minutes of never-to-be-forgotten thrill, beauty and joy! Pack up your troubles and revel in the dazzling entertainment delight of the year! *Bigger than any Musical Picture you've ever seen!* Plus a dramatic story surging against a background of intoxicating melody and brilliant spectacle. Beautiful Joan Crawford! Romantic Clark Gable! They're TOGETHER again, as you desire them!

A METRO-GOLDWYN-MAYER PICTURE

125 lines x 3 cols.

When JOAN CRAWFORD sings Love Songs . . . . for CLARK GABLE—

Happiness comes your way! Because *the Greatest Musical Romance of all time* is here! Because hit songs, and dazzling scenes, dramatic thrills and soul-throbbing romance are here! Pack up your troubles for ninety merry minutes while M-G-M's entertainment sensation holds you spellbound!



BEAUTIES IN CELLOPHANE —oh dear!

GIANT SCENES OF DAZZLING SPLENDOR!

Love Songs:
"EVERYTHING I HAVE IS YOURS"
"MY DANCING LADY" *and more!*

Joan CRAWFORD

Clark GABLE

in

DANCING LADY

with 300 dimpled Hollywood darlings

AND A BRILLIANT CAST:

FRANCHOT TONE
MAY ROBSON
WINNIE LIGHTNER
FRED ASTAIRE
ROBERT BENCHLEY
TED HEALY and his Stooges

FRED ASTAIRE *America's Greatest Dancer*

Directed by ROBERT Z. LEONARD

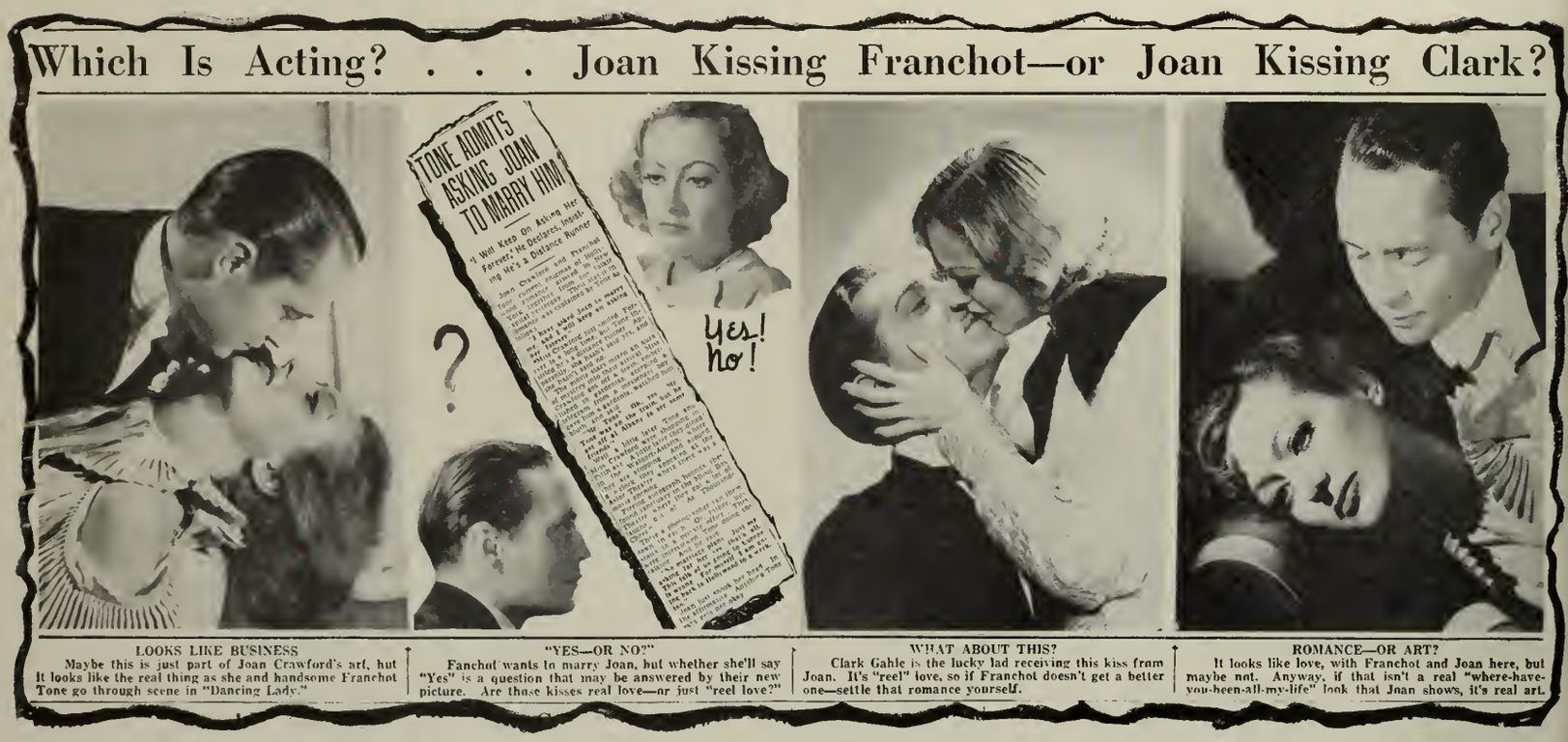
METRO-GOLDWYN-MAYER'S PRIDE & JOY

150 lines x 2 cols.

TURN THE PAGE PLEASE!

HERE'S A COMPLETE PUBLICITY PLANT!

Which Is Acting? . . . Joan Kissing Franchot—or Joan Kissing Clark?



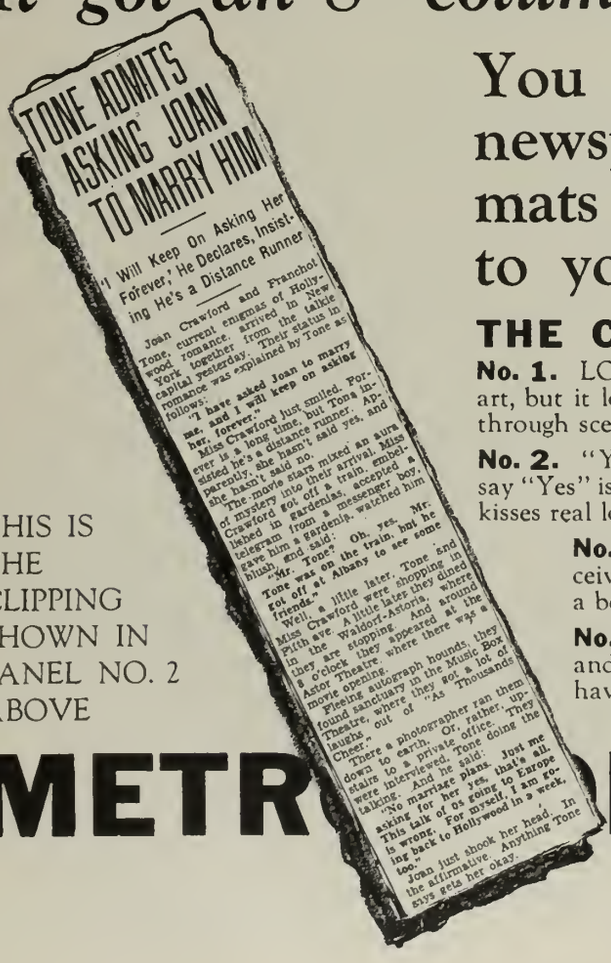
LOOKS LIKE BUSINESS
Maybe this is just part of Joan Crawford's art, but it looks like the real thing as she and handsome Franchot Tone go through scene in "Dancing Lady."

"YES—OR NO?"
Franchot wants to marry Joan, but whether she'll say "Yes" is a question that may be answered by their new picture. Are those kisses real love—or just "reel love?"

WHAT ABOUT THIS?
Clark Gable is the lucky lad receiving this kiss from Joan. It's "reel" love, so if Franchot doesn't get a better one—settle that romance yourself.

ROMANCE—OR ART?
It looks like love, with Franchot and Joan here, but maybe not. Anyway, if that isn't a real "where-have-you-been-all-my-life" look that Joan shows, it's real art.

It got an 8-column spread on Broadway!


TONE ADMITS ASKING JOAN TO MARRY HIM

"I Will Keep On Asking Her Forever," He Declares, Insisting He's a Distance Runner

Joan Crawford and Franchot Tone, current enigmas of Hollywood romance, arrived in New York together yesterday. Their status in the capital yesterday. Their status in romance was explained by Tone as follows:

"I have asked Joan to marry me, and I will keep on asking her, forever."

Miss Crawford just smiled. Forever is a long time, but Tone insisted he's a distance runner. Apparently, she hasn't said yes, and she hasn't said no.

The movie stars mixed an aura of mystery into their arrival. Miss Crawford got off a train, emerged in fardenias, accepted a telegram from a messenger boy, gave him a gardenia, watched him blush and said:

"Mr. Tone? Oh, yes. Mr. Tone was on the train, but he got off at Albany to see some friends."

Well, a little later, Tone and Miss Crawford were shopping in Fifth ave. A little later they dined in the Waldorf-Astoria, where they are stopping. And around 8 o'clock they appeared at the Astor Theatre, where there was a movie opening.

Fleeing autograph hounds, they found sanctuary in the Music Box Theatre, where they got a lot of laughs, out of "As Thousands Cheer."

There a photographer ran them down to earth. Or, rather, upstairs to private office. They were interviewed. Tone doing the talking. And he said:

"No marriage plans. Just me asking for her yes, that's all. This talk of us going to Europe is wrong. For myself, I am going back to Hollywood in a week, too."

Joan just shook her head. In the affirmative. Anything Tone says gets her okay.

THIS IS THE CLIPPING SHOWN IN PANEL NO. 2 ABOVE

You can make up this attractive newspaper strip locally or get the mats from your Branch. Show it to your editor. It's sure-fire!

THE COPY UNDER EACH PANEL ABOVE:

No. 1. LOOKS LIKE BUSINESS—Maybe this is just part of Joan Crawford's art, but it looks like the real thing as she and handsome Franchot Tone go through scene in "Dancing Lady."

No. 2. "YES—OR NO?"—Franchot wants to marry Joan, but whether she'll say "Yes" is a question that may be answered by their new picture. Are those kisses real love—or just "reel love?"

No. 3. WHAT ABOUT THIS?—Clark Gable is the lucky lad receiving this kiss from Joan. It's "reel" love, so if Franchot doesn't get a better one—settle that romance yourself.

No. 4. ROMANCE—OR ART?—It looks like love, with Franchot and Joan here, but maybe not. Anyway, if that isn't a real "where-have-you-been-all-my-life" look that Joan shows, it's real art.

METRO-GOLDWYN-MAYER

Showmen!

Death Comes To Wilstach; Ill 2 Weeks

(Continued from page 1)

and an immediate operation was performed.

Wilstach was 68 years old. He was born at Lafayette, Ind., and educated at Purdue University in that city. He worked on various Indiana newspapers and came to New York in the early 1900's, engaging in theatre exploitation campaigns. During his professional career he was business manager for DeWolf Hopper, Viola Allen, William Faversham, Mrs. Leslie Carter, E. H. Sothern and Julia Marlowe.

He was widely known among writers, actors and producers. He was the compiler of "Wilstach's Dictionary of Similes," which he culled annually from printed works of the year, and was the author of "Wild Bill Hickok" and "The Prince of Pistoleers." He was a member of the Lambs Club.

Wilstach is survived by his wife and a son, John. Funeral arrangements had not been completed up to late last night.

"Kindly, sympathetic, able, his loss will be felt deeply by the many thousands that came in contact with him, both in business as well as in social life," declared Will H. Hays. "He was a man of sterling character."

Laemmle Promotes Henigson, Mastroly

HOLLYWOOD, Nov. 28—Carl Laemmle, Jr., has promoted Henry Henigson, for more than seven years executive studio manager at Universal City, to producer and assistant general manager. He takes over his new duties immediately. Succeeding Henigson in his former post will be Frank Mastroly, who has been with the company many years.

Sennett for New Slate

HOLLYWOOD, Nov. 28—With Mack Sennett holding the controlling interest in the bankrupt Sennett, Inc., it is learned here the producer will personally file voluntary bankruptcy proceedings and start with a new slate, forming a new company. By doing this he will expedite a quicker release with a major company of future product.

Seek Talent Exchange

HOLLYWOOD, Nov. 28—Fox and British-Gaumont are negotiating a deal whereby the latter will loan Madeline Carrol and Jesse Mathews for one picture each in return for Warner Baxter and another Fox player, name not announced.

Para. Changes Title

Paramount has changed the title of "Buried Alive" to "His Double Life." It was produced by Arthur Hopkins and Eddie Dowling.

Raft to Be Starred

HOLLYWOOD, Nov. 28—George Raft has been given a starring contract by Paramount.

Discuss Details of Merger in Oklahoma

OKLAHOMA CITY, Nov. 28.—Details of the recent operating merger here between Cooper-Publix and Warners have been discussed between Joe Cooper, head of the former, and Pat McGee, his regional manager. An announcement is expected to be forthcoming soon. The terms of the merger become operative Dec. 1.

Although ownership of the Midwest, Liberty, Empress, Folly and Warner will remain with Warner, the Regal circuit, headed by Cooper, will operate them under the terms of negotiations completed in New York recently.

The new operating company will be known as Standard Theatres Corp. Cooper will be in active charge of the pooled houses which include the Criterion, Ritz, Circle and Victoria.

Warners Put Hankin In Philadelphia Job

PITTSBURGH, Nov. 28.—Sol Hankin, who recently returned to the Pittsburgh district for Warners after serving as zone manager in Milwaukee, has been dispatched to Philadelphia to take over a district managership there. Whether this will have any bearing on the successor eventually named to William Goldman, who resigned as zone chief in Philadelphia a couple of weeks ago, could not be determined.

Hankin has been in charge of the Main Line district here. No successor will be appointed immediately, with C. J. Latta, another district manager, now covering Hankin's territory as well as his own.

Seattle Vaudeville Ends After 4 Weeks

SEATTLE, Nov. 28.—Pantages vaudeville, introduced at Jensen Von-Herberg's Roxy four weeks ago, will be discontinued, and the house will revert to a straight film policy again next week. More than $1,000 a week in payroll to acts, musicians and stage employes added to the house over head has not brought that amount of additional gross to the box-office, and consequently Manager Leroy Johnson has ordered the cancellation.

Carl Subs for Baily

HOLLYWOOD, Nov. 28.—Teet Carl has been assigned to substitute for Tom Baily as publicity director at the Paramount studios during the former's absence on a four-week personal tour with Charlotte Henry in connection with the release of "Alice In Wonderland."

Switch Ontario Men

FORT WILLIAM, Ont., Nov. 28.—With the return of Mike Goodman, popular showman, to Winnipeg, Charles Dilley of the Capitol at Trail, B. C., has been appointed manager of the Royal at Fort William by Famous Players Canadian Corp.

20th Gets Beery Again

HOLLYWOOD, Nov. 28—Again 20th Century has borrowed Wallace Beery from MGM, this time for "The Great Barnum," which goes into production within six weeks.

Lab Now a Brewery

Hollywood, Nov. 28.—Vats that once were used for developing and processing colored film at the Multicolor Laboratories are now being converted into beer vats where only two-colored brew will flow through, dark and amber. The building owned by Howard Hughes has been taken over by Herman Koch, who plans to produce 250,000 barrels of beer yearly. It will be the first brewery ever established in Hollywood.

German Exhibitors Win Fight on Duals

WASHINGTON, Nov. 28.—Double features recently banned in Germany, have been restored, it is reported by Trade Commissioner George R. Canty to the M. P. Section of the Bureau of Foreign and Domestic Commerce. The action taken by the German government is said to be the result of a storm of protests from theatre owners, who asserted they could not protect their investments under a single-feature policy. The German Film Chamber has decreed that hereafter programs may be unlimited as to footage. In addition to a feature of any length German exhibitors may now include in their programs a second feature of not more than 1,600 meters (approximately 5,000 feet).

Shapiro Takes Over Majestic Production

HOLLYWOOD, Nov. 28—Confirming exclusive reports in MOTION PICTURE DAILY today, William D. Shapiro is taking over full production charge at Majestic. Phil Goldstone left today for a six weeks' observation at a Santa Barbara clinic and then plans to go to Europe.

Upon Goldstone's return, he plans to produce three specials personally for Majestic release. Five of the current programs are ready for release and future plans are expected to be announced this week-end.

Fox-N. E. Receiver Fees Are Approved

BRIDGEPORT, Nov. 28.—Payment of $195,603 for fees and disbursements in connection with legal services in connection with Fox-New England Theatres receivership was authorized yesterday by Federal Judge Edwin S. Thomas.

An additional $69,200 was authorized as payment for services and expenses of the three receivers, Benjamin Slade, Thomas J. Spellacy and Samuel Spring.

Para. Signs Timberg

HOLLYWOOD, Nov. 28—Herman Timberg has joined the Paramount writing staff and his first assignment will be to furnish additional dialogue for "Six of a Kind."

Trinidad House Closed

DENVER, Nov. 28.—Fox West Coast has made another town exclusively Fox by leasing the opposition house at Trinidad and closing it.

ITOA Is Sued By Operators For A Million

Suit was filed yesterday by Samuel H. Birnbaum, attorney for Local 306, against the I.T.O.A., seeking $1,000,000 in damages, $250,000 of which is claimed as actual damages and $750,000 exemplary damages. According to the complaint, the union claims a conspiracy exists to drive it out of business.

Local 306 says it is seeking an order to restore projectionists discharged in 11 member theatres of the I.T.O.A. and also asks residue salaries of $150,000. The operators were discharged Aug. 23 last. The operators' union also asks for an order to dissolve the I.T.O.A. as "an illegal and unlawful combination in restraint of trade," it states.

Birnbaum, in his complaint, alleges that I.T.O.A. members whom they are suing, have been violating the President's agreement by working projectionists over the time schedule set down under the NRA. Recently the NRA ordered local houses to operate on a 40-hour basis. Individual members as well as 84 theatre operating companies are defendants, according to the union.

The local is also seeking an order to enjoin and restrict I. T. O. A. members from excluding Local 306 operators or other union help from the theatre; also to remove pickets now parading Local 306 houses.

During the last 10 days there has been considerable stench bombing in Broadway theatres.

The motion is scheduled to be heard Monday.

Attempts to reach Milton C. Weissman, attorney, and Harry Brandt, president of the I. T. O. A., for a statement were unavailing last night.

Detroit Independents Name Komer as Head

(Continued from page 1)

the government on the signed code. Meetings will be held bi-monthly. Other officers will be elected at the next meeting.

An office will be opened in the Film Exchange building. It marks the first organized opposition to Allied here in several years.

Rowland-Brice Plan Four with Shubert

(Continued from page 1)

but will probably be re-titled prior to release. "Name" casts for all four pictures will be selected, Rowland said.

A fifth Rowland and Brice production for another distributing company may be made at Eastern Service Studio on the current season schedule, it was said.

M-G-M Signs Bennett

HOLLYWOOD, Nov. 28—Constance Bennett has signed a deal with MGM, but it hinges upon approval of a story idea with a Chinese locale and with Bernard Hyman producing.

IN TEN DAYS!... QUARTER OF A

Eye-staggering figures at Radio City Music Hall as "Little Women" crashes all show-world records and carries on into a third week for the first time in the theatre's history!

...AND WHEREVER A HUMAN HEART BEATS...THE ANSWER IS THE SAME!

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1225

BY DIRECT WIRE FROM

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NED E DEPINET=RKO DISTRIBUTING CORPORATION=

FOR THE THIRD TIME IN MY TWENTY YEARS IN THE BUSINESS I FEEL IT MY DUTY TO DO A RAVE OVER A PICTURE STOP LITTLE WOMEN OPENED IN THE SALEM THEATRE SALEM VIRGINIA A TOWN OF FIVE THOUSAND THEATRE SEVEN HUNDRED SEATS. AS A TEST SHOWING LAST SATURDAY STOP THE PICTURE HAS PLAYED TO THREE TIMES AS MANY PEOPLE IN THREE DAYS AS ANY FULL WEEK SINCE THE HOUSE OPENED FOUR YEARS AGO AUTOMOBILES TRUCKS AND BUSES ARE BRINGING THEM IN FROM A RADIOUS OF THIRTY MILES STOP HAVE ARRANGED TO HOLD THE PICTURE OVER FOR ANOTHER WEEK AND BUILDING GROSSES INDICATE A THIRD WEEK POSSIBLE A FOURTH LITTLE WOMEN WILL DO THE BUSINESS MORE GOOD THAN ANYTHING PRODUCED SINCE ITS INCEPTION STOP GRATEFULLY=

BERNARD DEPKIN JR VIRGINIA THEATRE MANAGEMENT CORPOR

159P

...QUESTED TO FAVOR THE COMPANY BY CRITICISM AND SUGGESTION CONCERNING ITS SERVICE

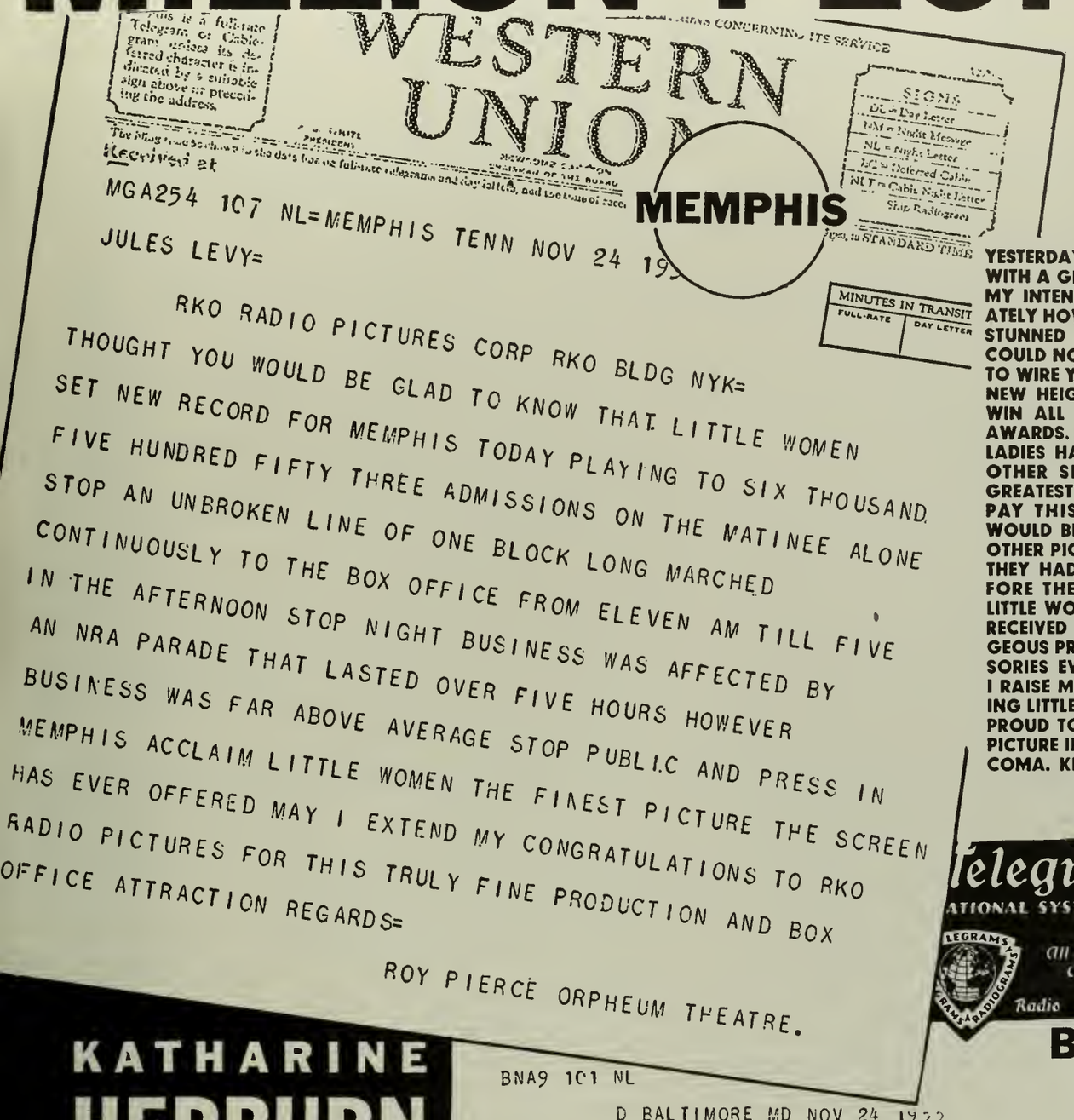
NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

MERIAN C. COOPER
EXECUTIVE PRODUCER
Kenneth Macgowan, Associate

OPENING THIS WEEK IN OVER 200 KEY CITIES..RKO

MORE THAN A MILLION PEOPLE!



WESTERN UNION

MEMPHIS

MGA254 107 NL=MEMPHIS TENN NOV 24 19

JULES LEVY=

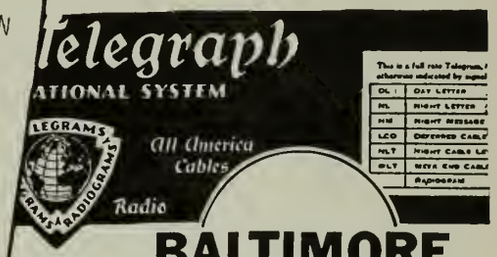
RKO RADIO PICTURES CORP RKO BLDG NYK=

THOUGHT YOU WOULD BE GLAD TO KNOW THAT LITTLE WOMEN SET NEW RECORD FOR MEMPHIS TODAY PLAYING TO SIX THOUSAND FIVE HUNDRED FIFTY THREE ADMISSIONS ON THE MATINEE ALONE STOP AN UNBROKEN LINE OF ONE BLOCK LONG MARCHED CONTINUOUSLY TO THE BOX OFFICE FROM ELEVEN AM TILL FIVE IN THE AFTERNOON STOP NIGHT BUSINESS WAS AFFECTED BY AN NRA PARADE THAT LASTED OVER FIVE HOURS HOWEVER BUSINESS WAS FAR ABOVE AVERAGE STOP PUBLIC AND PRESS IN MEMPHIS ACCLAIM LITTLE WOMEN THE FINEST PICTURE THE SCREEN HAS EVER OFFERED MAY I EXTEND MY CONGRATULATIONS TO RKO RADIO PICTURES FOR THIS TRULY FINE PRODUCTION AND BOX OFFICE ATTRACTION REGARDS=

ROY PIERCE ORPHEUM THEATRE.

YESTERDAY I PREVIEWED LITTLE WOMEN WITH A GROUP OF PEOPLE AND IT WAS MY INTENTION TO WIRE YOU IMMEDIATELY HOWEVER I WAS SO COMPLETELY STUNNED BY ITS SIMPLE GRANDEUR I COULD NOT GATHER MYSELF TOGETHER TO WIRE YOU. IT LIFTS THE INDUSTRY TO NEW HEIGHTS AND IT SHOULD EASILY WIN ALL THE NINETEEN THIRTY THREE AWARDS. MY WIFE AND SEVERAL OTHER LADIES HAD INTENDED TO GO TO ANOTHER SHOW AFTERWARD AND THE GREATEST COMPLIMENT THEY COULD PAY THIS PICTURE WAS TO SAY IT WOULD BE SACRILEGIOUS TO SEE ANY OTHER PICTURE DURING THE SAME DAY THEY HAD SEEN LITTLE WOMEN THEREFORE THEY WENT HOME TO PONDER LITTLE WOMEN. I CAN NOW SEE WHY I RECEIVED FROM YOU THE MOST GORGEOUS PRESS BOOK AND PRESS ACCESSORIES EVER CREATED FOR A PICTURE. I RAISE MY HAT TO RKO FOR PRODUCING LITTLE WOMEN AND SAY I AM VERY PROUD TO BE THE POSSESSOR OF THIS PICTURE IN SEATTLE PORTLAND AND TACOMA. KINDEST REGARDS.

JOHN HAMRICK.



BALTIMORE

BNA9 101 NL

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JULES LEVY=

RADIO PICTURES CORPORATION RADIO CITY NYC=

DEAR JULES LITTLE WOMEN IS SMASHING ALL HOUSE RECORDS HERE INTO SPLINTERS STOP AND EVEN THAT DOES NOT DO THE PICTURE JUSTICE FOR THE CROWDS THAT ARE UNABLE TO GET IN FAR EXCEED THOSE THAT CAN STOP AS YOU KNOW I HAVE PLAYED THE VERY BIGGEST ATTRACTIONS YET LITTLE WOMENS FIRST DAY BUSINESS EXCEEDS OUR HOUSE RECORD BY TWO HUNDRED DOLLARS STOP CROWDS LINED TO THE CORNER AND A HALF BLOCK UP BALTIMORE STREET STOP COMMENTS ON PICTURE BY FAR THE GREATEST I HAVE EVER HEARD IN ALL MY YEARS IN THIS BUSINESS STOP WORDS FAIL ME IN DESCRIBING IT CONGRATULATIONS=

IS RAPPAPORT..

KATHARINE HEPBURN *in* "LITTLE WOMEN"

BY LOUISA MAY ALCOTT *with* JOAN BENNETT . . PAUL LUKAS FRANCES DEE . . JEAN PARKER EDNA MAY OLIVER . . Douglass Montgomery . . Henry Stephenson DIRECTED BY GEORGE CUKOR

★

RADIO'S THANKSGIVING GIFT TO ALL THE WORLD!

"Hoopla" Is Big in Detroit With $24,100

DETROIT, Nov. 28.—"Hoopla" and a stage show headed by Buddy Rogers was a sensation here last week at the Fox. The take, $24,100, topped average by $9,100.

"Duck Soup" was also a strong draw, running the State gross over normal by $3,300 for a total of $15,300. "Christopher Bean" was up by $1,600 at $11,600 in the United Artists. Other houses suffered as a result.

Total first run business was $77,600. Average is $77,000.

Estimated takings for the week ending Nov. 23:

"ONLY YESTERDAY" (Univ.)
DOWNTOWN—(2,750), 15c-40c, 7 days, 2nd week. **Gross:** $6,200. (Average, $10,000.)

"COLLEGE COACH" (Warners)
FISHER—(2,975), 15c-40c, 7 days. Stage: Jewell Players. **Gross:** $4,100. (Average, $10,000.)

"HOOPLA" (Fox)
FOX—(5,100), 15c-50c, 7 days. Stage: Buddy Rogers, Neila, Raymond Baird, Jack Douglas. **Gross:** $24,100. (Average, $15,000.)

"EVER IN MY HEART" (Warners)
MICHIGAN—(4,100), 25c-50c, 7 days. Stage: Joe Laurie, Jr., Maxwell Trio, Emma Hart, Lizzie Wilson. **Gross:** $16,300. (Average, $20,000.)

"CHRISTOPHER BEAN" (M-G-M)
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $11,600. (Average, $10,000.)

"DUCK SOUP" (Para.)
STATE—(3,000), 25c-50c, 7 days. **Gross:** $15,300. (Average, $12,000.)

Pennsylvania Gets Six New Companies

HARRISBURG, Nov. 28.—New incorporations of theatre companies here are:

Met Company, Philadelphia—Louis Naren and B. Berg, Philadelphia, and T. Forsythe, Conshohocken, incorporators. Capital stock, $5,000.

S. F. E. N. Theatre Co., Philadelphia—J. C. Nirdlinger and S. F E. Nirdlinger, Merion, and John F Nixon, New York, incorporators. Capital stock, $1,000.

Shafer Amusement Co., Pittsburgh—G. Shafer, Wheeling, West Va.; George S. Otte, Lebanon, and Mo Glanz, Pittsburgh, incorporators. Capital stock, $5,000.

Eleanor Harris Amusement Co., Pittsburgh—Frank J. Harris and C. T. Durham, Grafton, and Eugene L. Connelly, Pittsburgh, incorporators. Capital stock, $100,000.

Family Amusement Co., Pittsburgh—Frank J. Harris, Grafton; J. T. McGreevy, Mt. Lebanon, and George S. Harrison, Oakmont, incorporators. Capital stock, $10,000.

Harris Amusement Co. of East Liberty—F. J. Harris, E. L. Connelly and G. S. Harrison, Pittsburgh, incorporators. Capital stock, $25,000.

Benefit Shows at Tampa

TAMPA, Nov. 28. — Jesse Clark, district manager for Sparks, has agreed to donate one of the five Tampa houses each Saturday morning for benefit shows to be conducted by the Lions Club.

At these shows the only thing needed for admission is some discarded article, such as wearing apparel, toys or articles of food. All articles received will be distributed to the needy by the Lions Club.

No Justice

Hollywood, Nov. 28.—One of those Hollywood girl plastic surgeons, who specializes in lifting faces of male actors, is complaining to her best friends that she has never had a man's face lifted to hers.

Seattle Grosses Drop Off Sharply

SEATTLE, Nov. 28.—Another week of mediocre business has just ended, with honors, if any, being divided between "Meet the Baron," "Bombshell" and the third week of "Footlight Parade." The Jack Pearl opus gave the Paramount theatre about a $5,500 week, against a $6,000 average. The Harlow-Tracy picture, shown at the Fifth Avenue, under the title of "The Blonde Bombshell," was good for about $6,500 against a normal $7,000. "Footlight Parade" took about $4,000, equal to the ordinary first week average.

All other houses showed sub-normal receipts. Much emphasis is being placed on Thanksgiving coming attractions.

Total first run business was $35,750. Average is $42,000.

Estimated takings for the week ending Nov. 25:

"THE KENNEL MURDER CASE" (Warners)
BLUE MOUSE—(950), 25c-35c-50c, 7 days. **Gross:** $3,750. (Average, $4,000.)

"BOMBSHELL" (M-G-M)
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,500. (Average, $7,000.)

"POLICE CAR 17" (Col.)
"AVALANCHE" (S. R.)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"THE WORST WOMAN IN PARIS" (Fox)
METROPOLITAN—(1,300), 25c-40c, 7 days. Mischa Guterson and orchestra. **Gross:** $2,000. (Average, $3,500.)

"FOOTLIGHT PARADE" (Warners)
MUSIC BOX—(950), 25c-35c-50c, 7 days, 3rd week. **Gross:** $4,000. (Average, first week, $4,000.)

"HEADLINE SHOOTER" (Radio)
ORPHEUM—(2,500), 25c-35c-50c, 7 days. Vaudeville headed by June Purcell. **Gross:** $5,500. (Average, $7,000.)

"MEET THE BARON" (M-G-M)
PARAMOUNT—(3,050), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $6,000.)

"MY WOMAN" (Col.)
ROXY—(2,275), 25c-35c-50c, 7 days. Vaudeville headed by "Radio Rubes." **Gross:** $4,500. (Average, $6,500.)

Form New Ohio Concern

COLUMBUS, Nov. 28.—Incorporation papers have been filed by the Northwestern Theatre Corp., with 250 shares of no-par stock. Incorporators are George R. Hedges, Herman R. Tingley and Stewart A. Hoover. The organization will operate the Grandview, suburban, heretofore owned by the Chesborough interests.

James Curl will continue as manager.

Fifth Screencraft Here

Screencraft Productions, Inc., has completed its fifth release, "The Big Race," and the negative has reached New York, according to Dave Mountan, president, of Showman's Pictures, Inc., distributors. The sixth, "The Moth," has gone into production.

"Duck Soup," In Pittsburgh, Hits $14,500

PITTSBURGH, Nov. 28.—Pittsburgh in general did an about-face last week, with business shooting to a new fall high and every first run in town hitting well above average. It was the first encouraging sign since early September.

"Duck Soup" at the Penn was the big leader, getting around $14,500, which is $2,500 above par. "The Private Life of Henry VIII" at the Fulton did $5,750 in its second week, which is better than the majority of pictures do here in their first weeks. It was generally thought the Fulton would hold the English importation over for a third week, but the management decided against it.

After getting away poorly, "Only Yesterday" built nicely at the Stanley and finished at $11,250. The Warner was another outstanding leader, with "The Invisible Man" hitting on high all week to $8,000, the best figure at this house since "Footlight Parade." Even the Pitt and David wound up on the right side of the ledger, the former getting $5,000 with "Blind Adventure" and vaudeville and the latter $3,400 with "Havana Widows."

Total grosses in six first run houses were $47,900. Average is $37,000.

Estimated takings for the week ending Nov. 25:

"HAVANA WIDOWS" (Warners)
DAVIS—(1,700), 25c-35c, 6 days. **Gross:** $3,400. (Average, $2,500.)

"PRIVATE LIFE OF HENRY VIII" (U. A.)
FULTON—(1,750), 15c-35c, 6 days, 2nd week. **Gross:** $5,750. (Average, $4,000.)

"DUCK SOUP" (Para.)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $14,500. (Average, $12,000.)

"BLIND ADVENTURE" (Radio)
PITT—(1,600), 15c-40c, 6 days. Stage: Willie Solar, Charles Keating, Van Cello and Mary, Waller and Lee, Lander Bros. and Corday, Allen-Pepper revue and Benson Massimo Co. **Gross:** $5,000. (Average, $4,500.)

"ONLY YESTERDAY" (Univ.)
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $11,250. (Average, $9,000.)

"THE INVISIBLE MAN" (Univ.)
WARNER—(2,000), 25c-50c, 6 days. **Gross:** $8,000. (Average, $5,000.)

Stage Dances Big Draws

CINCINNATI, Nov. 28.—The Liberty Covington, Ky., across the river from here, is doing a turnaway business with Saturday night barn dances on the stage from 10:30 to 11:15. These are attracting both the rural and urban natives from the surrounding territories.

The event is liberally plugged over WCKY, Covington radio station, owned by L. B. Wilson, who also operates the Liberty.

Henderson in New Job

PITTSBURGH, Nov. 28.—Morty Henderson, formerly manager of the Harris-Etna for Warners and recently manager of the Avenue for the Harris Amusement Co., has been named manager of the Duquesne Garden, local ice-skating palace. The Garden is also owned and operated by the Harris interests.

The appointment of Henderson comes as a result of the decision of the Harrises to close the Avenue.

"Romance" Is $20,000 Draw In Cleveland

CLEVELAND, Nov. 28.—Coming in on the heels of a blizzard when temperatures were rising, "The Right to Romance," with tabloid version of "Fifty Million Frenchmen" on the stage, sent the RKO Palace take up to $20,000. This is $2,000 over average.

"Christopher Bean" was a $11,000 draw at the State, and "The Private Life of Henry VIII" was fairly strong at the Allen with $3,500.

Total business was $46,000. Average is $39,350.

Estimated takings for the week ending Nov. 23:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
ALLEN—(3,300), 25c-30c-40c, 3rd week, 7 days. **Gross:** $3,500. (Average, $3,000.)

"THE WORLD CHANGES" (F. N.)
HIPPODROME—(3,800) 30c-35c-44c, 4 days. **Gross:** $4,000. (Average, $6,000 a week.)

"THE KENNEL MURDER CASE" (Warners)
WARNERS' LAKE—(800), 30c-35c-44c, 7 days. **Gross:** $3,300. (Average, $3,500.)

"THE RIGHT TO ROMANCE" (Radio)
RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: "50 Million Frenchmen." **Gross:** $20,000. (Average, $18,000.)

"CHRISTOPHER BEAN" (M-G-M)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $11,000. (Average, $10,000.)

"TAKE A CHANCE" (Para.)
"DAY OF RECKONING" (M-G-M)
STILLMAN—(1,900), 25c-30c-40c, 7 days. **Gross:** $4,200. (Average, $4,000.)

Three New Concerns Formed in Delaware

DOVER, Del., Nov. 28.—Columbia Films, Ltd., Cinaudagraph Corp. and Midas Camera-Projectors Corp. have been chartered in the State Department.

Columbia Films filed to deal in films listing capital of $50,000. The incorporators are Jack M. Nitzburg, Leonard Kaufman and Leonard S. Picker of New York City.

Cinaudagraph Corp. filed to deal in pictures, listing capital of 200 shares, no par value. The incorporators are Bernard L. Miller, Irwin I. Greenfield and Marian R. Shapiro of Brooklyn, N. Y.

Midas Camera-Projectors filed to deal in cameras of all kinds, listing capital of 2,000 shares, no par value. The incorporators are J. T. Brennan, Frederic E. Bell and F. F. Kane of New York.

New Florida Censor Named by Governor

TALLAHASSEE, Nov. 28.—Governor Sholtz has appointed Miss Eugenia N. Talley of Miami to succeed her mother, Mrs. Henry Talley, who died recently, on the Florida censor board.

This board is composed of three members, who are appointed by the Governor. No salary is paid, and there is little, if anything, for the board to do, as, according to the so-called censorship law, all films which have been passed by the National Board of Review, or the New York state board, are permitted to be shown in the state without review by the state board.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 128 NEW YORK, FRIDAY, DECEMBER 1, 1933 TEN CENTS

COMPLETED CODE LITTLE CHANGED FROM 3rd DRAFT

'U," Chicago News Deal on Reel Ending

CHICAGO, Nov. 30.—The newsreel eal between Universal and the *Chicago Daily News* is understood to be n its way out. While the big local aily will no longer manufacture the eel, it is further understood the decion to call it a day provides that the ame tie-up between newspaper and istributor is to hold for the next few ionths.

Indicating termination of the arangement is suspension of laboratory ork in the plant set up by the *News* t 9th and Wabash, out of which rints for the Middle and Far West ave been handled.

Cessation of the laboratory activity

(*Continued on page* 35)

P-P Reorganization Plan Seen Speeded

Recent improvements in Paramount ublix operating results of propor-ions "more favorable than generally nticipated," are believed by the comany's stockholders' protective comittee to make reorganization of the ompany imminent.

The committee, headed by Duncan . Holmes of New York and Barey Balaban of Balaban & Katz, Chiago, is seeking deposits of "a subtantial majority" of the 3,380,121 hares outstanding in order to obtain proper recognition" for stockholders n the reorganization plan. The comittee reports that it now has on deosit more than 900,000 shares, repreenting more than 7,000 stockholders.

Sagal Confers Here On Poli-N. E. Deal

Louis M. Sagal, operating head of he Poli theatres in New England, vas in town Wednesday conferring vith bankers on the transfer of the ircuit to Poli-New England Corp. The 18 theatres were to have passed o control of S. Z. Poli and Sagal on Wednesday, but the attorneys vorking on the deal have held it up gain. Sagal is back in New Haven oday.

Code Data in Full

Official and complete text of the industry code appears today on pages 6, 15, 16, 17, 18, 30, 32 and 34. Chronology of the code, as reported in *Motion Picture Daily* from May 4 to the present day, appears on pages 19, 22, 23 and 27.

All Factions Given Places On Code Body

Industry factions and allied interests identified with activities in connection with the drafting of the code received with tranquility the official announcement of the code authority membership made by Administrator Hugh S. Johnson at Atlanta and published in Wednesday's MOTION PICTURE DAILY. Virtually no dissatisfaction with the Administration's choice for membership on the board was voiced in any quarter.

Even labor, which was given no immediate representation on the code authority, accepted the announcement of the appointees with equanimity. While withholding comment on the appointments, leaders of organized

(*Continued on page* 35)

Salary and Penalty Clauses Suspended for Study, but May Be Put into Effect by Administrator

WASHINGTON, Nov. 30.—Accompanied by President Roosevelt's executive order suspending, but not removing from the code, the $10,000 penalty for payment of excessive salaries and the clause restricting talent "raids," the industry's NRA code emerges after weeks of stalemate unchanged in any essentials from the form in which it went to Deputy NRA Administrator Sol A. Rosenblatt on Oct. 4 as the third NRA draft.

Suspension of application of Article 5 clauses, by Presidential order, is made to afford Administrator Hugh S. Johnson an interim, believed to be 90 days, in which to investigate further the advisability of either permanently suspending or altering the provisions of the article, or deciding on placing them in effect as they now stand.

Other powers over the code authority are granted the Administrator in the executive order, and embrace his right to review and disapprove, if necessary, any acts of the code authority and to replace its members or make additions to its personnel. This specific control by the Administrator over code authority membership is regarded as the sum total of results obtained by independent factions that opposed the third draft from the moment of its completion up to the day of its signing by the President. It is, in effect, the Administration's assurance to independents of a "square deal" under the code. Also, it trims the powers of the code authority and transfers from it to the Administrator the title of

(*Continued on page* 34)

Johnson Can Make Changes In Authority

WASHINGTON, Nov. 30.—President Roosevelt's executive order putting the code into effect covers six main points.

First of these is a provision that the Administrator can review any acts of the code authority.

The second provides that if any member of the authority shall fail to be fair he can be removed by the Administrator. The third authorizes the Administrator to add new members

(*Continued on page* 34)

Changes So Minor Signatures Already Affixed Will Stand

Washington, Nov. 30.—Companies, individuals and trade associations which have signed the third code draft will not be required to sign anew the final code promulgated by executive order, it was stated here today.

Changes made in the third draft were described as being of "too minor" a character to affect compliance with the draft already signed. The sole changes of any significance are carried in the executive order, compliance with which was conceded by the early signatories.

All major companies with the exception of United Artists have signed the code, as has the M. P. P. D. A. as a trade organization. The I. A. T. S. E. and a number of its locals, a number of M. P. T. O. A. units and regional exhibitor organizations have also signed.

Ohio Women Protest Over Block Booking

COLUMBUS, Nov. 30.—The board of managers of the Ohio Congress of Parents and Teachers, meeting at the Deshler-Wallich, has voted to write President Roosevelt protesting against blind and block booking.

Mrs. H. F. Strater, Toledo, state motion picture chairman, says her committee will, with the sanction of the board, continue to advocate no pictures for children on school nights, no children admitted to theatres unless accompanied by adults, and no sanctioning of any pictures without proper censorship.

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(Registered U. S. Patent Office)

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M-G-M to Do Style Yarn

HOLLYWOOD, Nov. 30.—With Warners well under way with "The Fashion Plate," M-G-M comes forth with an announcement that it will make a picture dramatizing the work of a studio fashion designer, patterned after the work performed by Adrian, who creates the fashions worn by its stars. The new story is an original by Virginia Kellogg.

"Beggars" Set to Go

HOLLYWOOD, Nov. 30.—Lionel Atwell and Betty Furness have been signed by Monogram for "Beggars in Ermine," which goes into production tomorrow with Phil Rosen directing. Shooting on "Mystery Liner" will be begun by Monogram early next week.

"Alice's" World Release

International as well as American release of Paramount's "Alice in Wonderland" has been set for Dec. 22, according to John W. Hicks, vice-president of Paramount International.

Arliss Film Two-a-Day

United Artists plan to two-a-day "The House of Rothschild" with George Arliss.

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Wilstach Services To Be Held Today

Funeral services for Frank Wilstach, M. P. P. D. A. aide, who died here Tuesday, will be strictly private in accordance with the wishes of the family of the deceased. Interment will occur this afternoon from the W. J. Dargeon chapel, 954 Amsterdam Ave.

Wilstach died at Manhattan General Hospital following an operation for an abscessed liver, which developed concurrently with an attack of influenza. He was 68 years old and had been advertising and publicity contact for the M. P. P. D. A. for the past eight years.

Charles Stern Feted

Charles Stern, who has just switched his U. A. headquarters from Boston to New York, was tendered a farewell dinner in the Beantown Tuesday night. Attending the affair at the Copley Plaza were 300, among those being Al Lichtman, Hal Horne, Moe Streimer and Edward Mullins of New York. All but Stern flew back Wednesday. He moves his family into town today.

Smith Leaves Next Week

Howard Smith, story editor for 20th Century, leaves for the coast next week after seeing and purchasing a number of plays in New York. Smith says there is a great dearth of "great" stories. He has been focusing his attention on starring material, stories and plays pivoting around one particular character.

Ampa Fetes Six

Monte Brice, William Rowland, Laurence Schwab, Lenore Ulric, Gregory Ratoff and Ham Fischer were guests at the A. M. P. A. on Wednesday. Vivian Moses delivered an eulogy on the passing of Frank J. Wilstach and the members paid their respects by bowing in reverence for one minute.

Unger, Kusell Return

J. J. Unger and Milt Kusell returned Wednesday evening from Washington and Philadelphia where they conferred with the Paramount exchange managers.

Busy Three Ways

Gregory Ratoff's visit to New York finds him in a peculiar spot. Under contract to Radio, he has been loaned to Columbia to make one picture and today opens at Loew's State for personal appearances. All three companies have him on the go lining up interviews and stories ies and he finds it difficult at times to accommodate all three at once. He leaves for Hollywood in 10 days.

Schwab to Produce Play in Hollywood

Paramount has decided to produce "She Loves Me Not" in Hollywood, with Laurence Schwab, who produced the play, supervising production. Bing Crosby will have the leading role. Schwab leaves for Florida tomorrow to adapt the play for the screen.

Loews, Vogels Due in Sydney December 4

SYDNEY, Nov. 30.—Arthur Loew and Joe Vogel arrive on the *Mariposa* Dec. 4 on the first lap of a world tour by air. Mrs. Loew and Mrs. Vogel also are taking the trip.

Cohen Spikes West Rumor

HOLLYWOOD, Nov. 30.—Again spiking reports Mae West will leave the company, Emanuel Cohen states that following "It Ain't No Sin," which will be completed by the end of February, the star will start work on "Come Up and See Me Sometime," which goes into work April 1 at the Paramount studios.

Approve "Man's Castle"

Approval of "A Man's Castle" has been made by the New York Censor Board with the understanding that the renegade minister who performs a fake marriage be changed so that he is a bona fide clergyman.

Yates, Goetz Return

Herbert J. Yates and Benjamin Goetz have returned from a trip to the coast.

Loew's Up One and a Half

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	25	24⅝	25	+ ⅞	200
Consolidated Film Industries	2½	2½	2½	+ ⅛	200
Consolidated Film Industries, pfd	8¾	8¾	8¾	+ ⅛	200
Eastman Kodak	78¾	77	78⅜	+2⅛	500
Fox Film "A"	14	14	14	.....	100
Loew's, Inc.	30¼	28½	30	+1½	700
Paramount Publix	1⅝	1½	1⅝	+ ⅛	200
Pathe Exchange	1¾	1⅝	1¾	+ ⅛	700
Pathe Exchange "A"	10½	10	10½	+ ½	1,300
RKO	2¼	2⅛	2⅛	+ ⅛	200
Warner Bros.	6¼	5¾	6	+ ¼	1,000

Trans Lux Off One-eighth on Curb

	High	Low	Close	Net Change	Sales
Technicolor	10	9¾	9¾	.....	200
Trans Lux	1¾	1¾	1¾	— ⅛	200

Para. Publix Bonds Off One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3¼	3¼	— ¼	6
General Theatre Equipment 6s '40, ctf	3¼	3	3¼	+ ⅛	4
Loew's 6s '41, ww deb rights	80	80	80	— ¼	1
Paramount F. L. 6s '47	22⅞	22⅞	22⅞	+ ⅜	5
Paramount Publix 5½s '50	24	23⅝	24	—1	9
Warner Bros. 6s '39, wd	38	37½	38	.....	26

Purely Personal

HARRY ROSENQUEST, assistant to N. H. MORAY, Vitaphone trailer and short sales manager, returns today from a ten-day trip to Warner Indianapolis, Cincinnati and Washington branches.

JIMMY WALLINGTON, EDDIE CANTOR's stooge on the Chase & Sanborn coffee radio hour, will headline the 7th Ave. Roxy stage show starting today.

ROBERT Z. LEONARD plans to return to the coast in two weeks. He's here on a vacation with MRS. LEONARD.

GARY COOPER appeared in person yesterday at the Paramount, Brooklyn, in connection with the Hearst Christmas Fund Drive.

HOWARD S. CULLMAN tendered a Thanksgiving dinner to all employes of the 7th Ave. Roxy on Wednesday evening.

LEON ROSENBLATT returns from an Atlantic City vacation on Sunday.

Film for Charity to Open

"Through The Centuries," written by Francis X. Talbot, S.J., literary editor of the weekly, "America," and narrated by Pedro de Cordoba, will open at the Warner tonight, for a two-week run. The picture was produced by Beacon Films, Inc., and the proceeds will be devoted to charity.

Lang Here from S. A.

Fred W. Lange, Paramount general manager in Argentine, Paraguay and Uruguay, arrived here Wednesday for conferences with John W. Hicks, Paramount foreign manager, on new season distribution policies.

Stars Going to Coast

Irene Dunne, Colleen Moore and Lenore Ulric are planning to leave within a few days for the coast to start work for Radio. Miss Ulric will go into "I Loved An Actress," and leaves for Hollywood tomorrow.

Saunders, Rodgers Back

E. M. Saunders, western sales manager, and W. F. Rodgers, eastern sales manager, are back in town after a tour of M-G-M exchanges under their jurisdiction.

Lewis Leaves for Cuba

David Lewis, M-G-M supervisor in Havana, left yesterday for his headquarters after several weeks here.

SIN

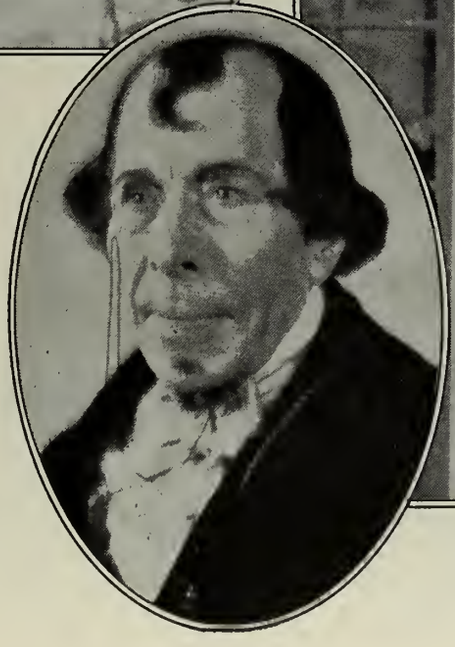
NEWS OF WEEK IN PHOTO-REVUE

FIRST FLASH of typical Buz Berkeley spectacle scene in 'Fashion Plate,' Warner's surprise girl-and-gown show starring William Powell.*

TO THE PRESIDENT goes 200,000th copy of 'Anthony Adverse,' country's top-selling story, autographed by author Hervey Allen. Early production is scheduled by Warners.

TALENTED TUNESMITHS. Al Dubin and Harry Warren, famed composers of Warner musicals, complete five new melodies for coming 'Wonder Bar.'°

'SHOULD BE MONEY MAGNET at all houses — laughter from start to finish!' says enthused *Variety Daily* review of 'Convention City,' 10-comic special directed by Archie Mayo.°



2 THANKSGIVING TREATS for Broadway are Joe E. Brown's 'Son of a Sailor'° at Strand and Kay Francis' 'House on 56th Street'* at Hollywood.

420 RETURN DATES already set for 'Disraeli' re-release, with Dayton's Keyes, Providence's Fay, Cincy's Libson prominent on long list of full-week bookings.*

*A Warner Bros. Picture
°A First National Picture
Vitagraph, Inc., Distributors

THE NEXT DANCE IS Y

NASHVILLE's hot . . . Houston's stepping! ATLANTA's in a whirl . . . WASHINGTON's dizzy . . . RICHMOND and NORFOLK are on their ears . . . PROVIDENCE's palpitating! COLUMBUS, LOUISVILLE, INDIANAPOLIS are shaking their hips . . . CHICAGO's nuts . . . DENVER and ST. LOUIS are in a lather . . .

—and here's the happy reason! She's dancing with joy in your heart!

JOAN CRAWFORD, CLARK GABLE

with FRANCHOT TONE, MAY ROBSON, WINNIE LIGHTNER, FRED ASTAIRE
ROBT. BENCHLEY, TED HEALY *and his* STOOGES—ROBT. Z. LEONARD, *Directo*

Screen play by Allen Rivkin and P. J. Wolfson, from the book by James Warner Bellah,
DAVID O. SELZNICK—*Executive Producer, John W. Considine, Jr.—Associate Producer*

OURS!
in "THE DANCING LADY"
A METRO-GOLDWYN-MAYER SMASH!

Complete Text of Industry Code

Final Draft As Approved By President

Code of Fair Competition for Motion Picture Industry

PREAMBLE

This Code is established for the purpose of effectuating the policy of Title I of the National Industrial Recovery Act and shall be binding upon all those engaged in the motion picture industry.

ARTICLE I
Definitions

1.—The term "motion picture industry" as used herein shall be deemed to include, without limitation the production, distribution, or exhibition of motion pictures and all activities normally related thereto, except as specifically excepted from the operation of this Code.

2.—The term "Producer" shall include, without limitation, all persons, partnerships, associations and corporations who shall engage or contract to engage in the production of motion pictures.

3.—The term "Distributor" shall include, without limitation, all persons, partnerships, associations and corporations who shall engage or contract to engage in the distribution of motion pictures.

4.—The term "Exhibitor" shall include, without limitation, all persons, partnerships, associations and corporations, engaged in the ownership or operation of theatres for the exhibition of motion pictures.

5.—The term "legitimate production" as used herein shall be deemed to refer to theatrical performances of dramatic and musical plays performed on the stage by living persons.

6.—The term "employee" as used herein shall be deemed to refer to and include every person employed by any Producer, Distributor or Exhibitor as hereinabove defined.

7.—The term "clearance" as used herein shall be deemed to refer to that interval of time between the conclusion of the exhibition of a motion picture at a theatre licensed to exhibit such motion picture prior in time to its exhibition at another theatre or theatres and the commencement of exhibition at such other theatre or theatres.

8.—The term "zone" as used herein shall be deemed to refer to any defined area embraced within the operations of a local clearance and zoning board.

9.—The term "non-theatrical account" as used herein shall be deemed to refer to churches, schools and other places where motion pictures are exhibited but which are not operated in the usual and ordinary course of the business of operating a theatre for the exhibition of motion pictures.

10.—The term "affiliated Exhibitor" as used herein shall be deemed to refer to an Exhibitor in the business of operating a motion picture theatre which business is owned, controlled or managed by a Producer or Distributor or in which a Producer or a Distributor has a financial interest in the ownership, control, or management thereof. The mere ownership, however, by a Producer or Distributor of any theatre premises leased to an Exhibitor, shall not constitute any such Exhibitor an "affiliated Exhibitor."

11.—The term "unaffiliated Exhibitor" as used herein shall be deemed to refer to an Exhibitor engaged in the business of operating a motion picture theatre which business is not owned, controlled or managed by any Producer or Distributor or in which no Producer or Distributor has an interest in the ownership, management or control thereof.

12.—The term "Outside or Associated Producer" as used herein shall refer to a Producer of motion pictures, including features, short subjects, and/or cartoons, and which Producer operates his or its own production unit independently of, though in conjunction with, another Producer or Distributor under whose trade name or trade mark the productions of said Outside or Associated Producer are released and distributed.

13.—The term "Administrator" as used herein shall be deemed to mean the National Recovery Administrator.

14.—The term "effective date" shall be and this Code shall become effective on the tenth day following the approval of this Code by the President of the United States.

15.—Population, for the purposes of this Code, shall be determined by reference to the 1930 Federal Census.

ARTICLE II
Administration

1.—A Code Authority of the Motion Picture Industry constituted as in this Article provided and herein referred to as the "Code Authority" shall be the agency for the administration of this Code, and shall have such powers as shall be necessary therefor, together with such other powers and duties as are prescribed in this Code.

2.—(a)—The Code Authority shall consist of the following representing affiliated producers, distributors and exhibitors: Merlin H. Aylesworth, Sidney R. Kent, George J. Schaefer, Nicholas M. Schenck, Harry M. Warner. Representing unaffiliated producers, distributors and exhibitors: Robert H. Cochrane, W. Ray Johnston, Ed Kuykendall, Charles L. O'Reilly, Nathan Yamins.

(b)—As and when any question directly or indirectly affecting any class of employees engaged in the motion picture industry is to be considered by the Code Authority, one representative of such class, selected by the Administrator from nominations made by such class in such manner as may be prescribed by the Administrator, shall sit with and become for such purposes a member of the Code Authority with a right to vote.

(c)—The Administrator may designate not more than three additional persons without vote who shall not have any direct, personal interest in the motion picture industry nor represent any interest adverse to the interest of those engaged therein, as representatives of the Administration.

(d)—In case of the absence, resignation, ineligibility or incapacity of any member of the Code Authority to act, an alternate of the same general class of the industry and a bona fide executive or, a bona fide Exhibitor, as the case may be, designated by such member shall act temporarily in place of such member. Such designated alternate shall be certified to the Code Authority by such member but the Code Authority may reject such alternate and require another to be so designated.

(e)—Each alternate designated by a member of the Code Authority to be a permanent alternate for such member shall be approved by the Administrator.

(f)—In the event any member of the Code Authority is unable for any reason to designate his alternate, the Code Authority, subject to the approval of the Administrator, shall select such alternate from the same general class as that of such member.

(g)—No employer in the industry shall have more than one representative at any time upon the Code Authority.

(h)—A vacancy in the Code Authority subject to being filled in the same manner as above provided in sub-section (f) of this section, shall exist when any member shall cease to be a bona fide executive or a bona fide exhibitor.

3.—The Code Authority may make such rules as to meetings and other procedural matters as it may from time to time determine.

4.—The Code Authority may from to time appoint Committees which may include or be constituted of persons other than members of the Code Authority as it shall deem necessary to effectuate the purposes of this Code, and may delegate to any such Committee generally or in particular instances any power and authority within the scope of the powers granted to the Code Authority under this Code provided that the Code Authority shall not be relieved of its responsibility and duties hereunder. The Code Authority may at any time remove from any Committee any member thereof. The Code Authority shall coordinate the duties of the Committees with a view to promoting joint and harmonious action upon matters of common interest. Any action taken by any of such committees shall be reviewed by the Code Authority.

5.—(a)—The Code Authority shall be empowered to collect from the members of the industry all data and statistics required by the President, or reasonably pertinent to the effectuation of Title I of the National Industrial Recovery Act to compile the same and disseminate without individual identification among the members of the industry summaries thereof, all in such form and manner as the Code Authority or the Administrator shall prescribe. No such statistics, data and information of any one member of the industry shall be revealed to any other member. The dissemination of summaries of such information shall not be deemed a disclosure thereof. In addition to information required to be submitted to the Code Authority, there shall be furnished to government agencies such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the National Industrial Recovery Act.

(b)—The Code Authority shall have the right to make independent investigations of violations or alleged violations of the Code by any branch of the industry or by any person, firm or corporation engaged in any branch of the industry.

6.—The Code Authority shall assist the Administrator in administrating the provisions of this Code, in making investigations as to the functioning or observance of any of the provisions of this Code at its own instance or on the complaint of any person engaged in the industry, and shall report to the Administrator on any such matters. The Code Authority may initiate and consider such recommendations and regulations and interpretations, including those pertaining to trade practices, as may come before it.

7.—The Code Authority, after notice and hearing, may prescribe additional rules governing the conduct of Producers, Distributors and Exhibitors among themselves and with each other and with their employees, which rules shall be submitted to the Administrator and if approved by the President after such notice and hearing as he shall deem proper, shall constitute rules of fair practice for the industry, and any violation thereof shall constitute a violation of this Code.

8.—The Code Authority shall, to such extent and in such manner as may seem most useful, utilize the facilities of national, regional and local trade associations, groups, institutes, boards and organizations in the industry.

9.—No member of the Code Authority shall sit on any matter involving his company's or his own interest directly and not as a class. In such case the Code Authority, including such ineligible member shall designate an alternate of the same general class not connected with the company or theatre of the ineligible member to sit in his place.

10.—(a)—The Code Authority shall have the right to appoint, remove, and fix the compensation of all persons whom it may employ to assist it in any capacity whatsoever in administering this Code.

(b)—The expenses of the Code Authority in administering this Code shall be budgeted and fairly allocated among the three divisions of the industry and assessed against the respective members thereof who accept the benefits of the activities of the Code Authority or otherwise assent to this Code, in such manner as shall be determined by the Code Authority.

(c)—Any person who shall fail to promptly pay any assessment or levy made pursuant to an order of the Code Authority as an expense in administering this Code shall not be entitled to file any complaint under any Article or PART thereof.

ARTICLE III
General Provisions

Section 1.—(a)—Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b)—No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c)—Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

Section 2.—This Code is not designed to promote monopolies or to eliminate or oppress small enterprises and shall not be applied to discriminate against them nor to permit monopolies or monopolistic practices.

ARTICLE IV
Labor Provisions

A.—On and after the effective date of this Code, in the **PRODUCTION** of Motion Pictures:

Section 1.—HOURS OF EMPLOYMENT.

(a)—No employee shall work more than forty (40) hours in any one week.

(b)—No employee of the following classes shall work more than forty (40) hours in any one week:

Accountants; accounting machine operators; bookkeepers; clerks; firemen; garage clerks; gardeners; janitors; librarians; mail clerks; messengers; mimeograph operators; porters; readers; restaurant workers; seamstresses; secretaries (exclusive of Executives' secretaries receiving $35.00 or more per week); stenographers; telephone and telegraph operators; time-keepers; typists; and watchmen.

(c)—No studio mechanic of the following classes shall work more than thirty-six (36) hours in any one week:

Artists and sculptors; automotive mechanics; blacksmiths; carpenters; casters and mouldmakers (staff); cement finishers; chauffeurs and truck drivers; construction foremen (carpenters); electrical foremen; electrical workers; floormen (electric); foundrymen, gaffers; grips; laborers; lamp operators; machinists; marbleizers, grainers, and furniture finishers; modelers (staff); model-makers (staff); moulders (metal); operating engineers; ornamental iron workers; painters; pattern makers; plasterers; plumbers; projectionists (except process projectionists); propertymen; scenic artists; set-drapers; sheet-metal workers; sign

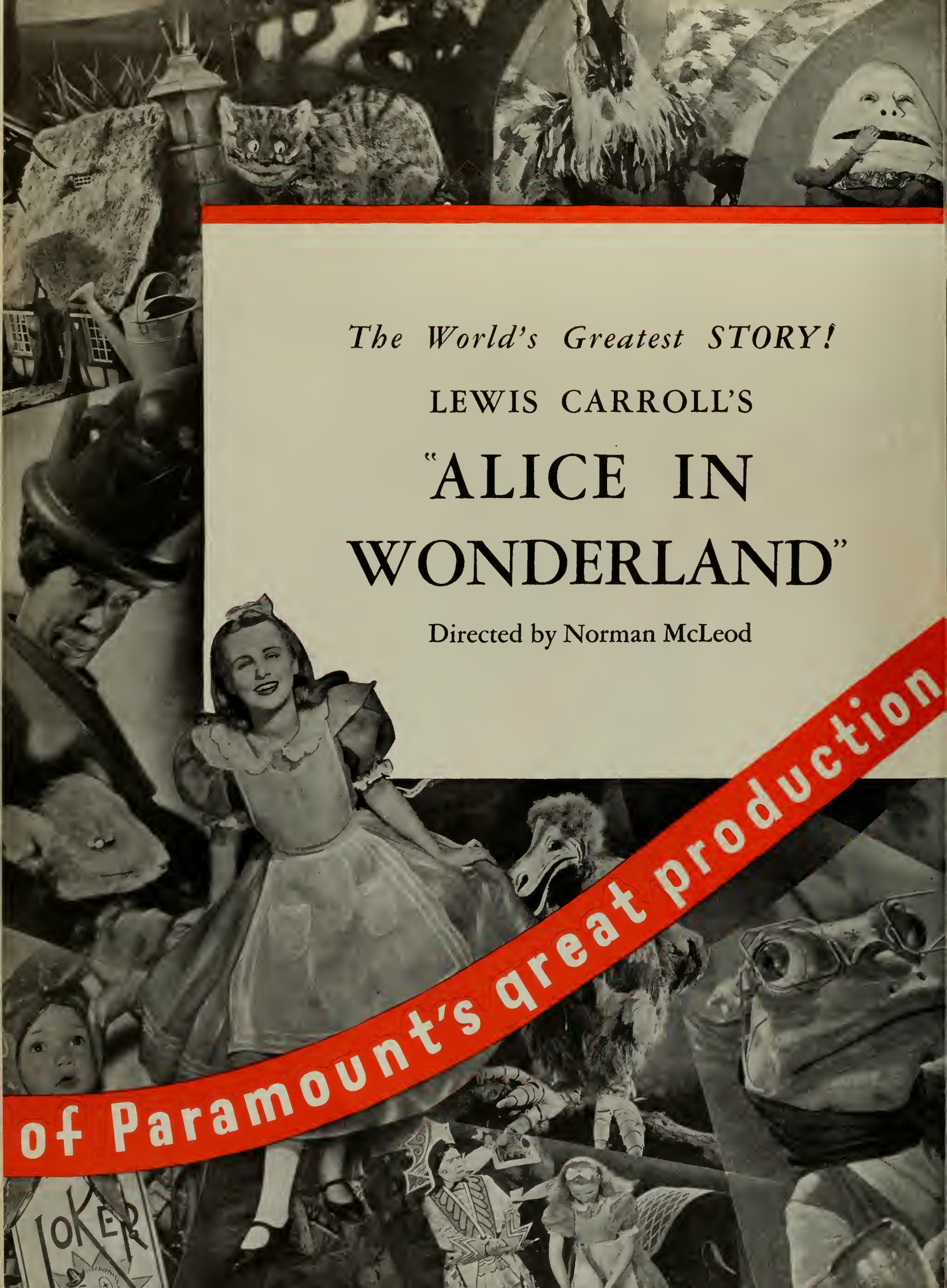
(*Continued on page* 15)

The President

He signed it

Hours, Wages Of Labor Are Set in Detail

Courtesy of Goldsmith and Free Studios


The World's Greatest STORY!
LEWIS CARROLL'S
"ALICE IN WONDERLAND"
Directed by Norman McLeod
of Paramount's great production
JOKER

with the world's greatest CAST!

CHARLOTTE HENRY *as "Alice"* and
Richard Arlen • Rosco Ates • Gary Cooper • Leon Errol • Louise Fazenda • W. C. Fields • Skeets Gallagher • Cary Grant • Raymond Hatton Edward Everett Horton • Roscoe Karns • Baby LeRoy • Mae Marsh • Polly Moran • Jack Oakie Edna May Oliver • May Robson • Charlie Ruggles Alison Skipworth • Ned Sparks and Ford Sterling

A PARAMOUNT PICTURE

Giant publicity campaign on "ALICE"
THE DENVER POST
Paramount Has Found Alice; Picture Goes In Production
Cinderella Sought For Leading Role of Alice In Wonderland
Asked to Pick Girl for "Alice
Hollywood Speculates About Sex Appeal of Brooklyn Girl Chosen to Play 'Alice'
Charlotte Steps Through
WHAT THE BUTLER
IN 'ALICE
Bexley High Student, 14, Is Given Test For Part in Film 'Alice in Wonderland'
Ellanore Shook One of 30 Finalists Selected From 12,000.
Boy Scout Still Is Hunting Alice in Wonderland
Paramount Has Found Alice; Picture Goes In Production
Ruggles, Oakie, Laughton, Miss Skipworth, Miss
"ALICE IN WONDERLAND"
British "Alice" for Movieland
Cinderella Sought For Leading Role of Alice In Wonderland
Act for Ideal Alice
Haired Beauty Must Have Naughty Man
Films Search
Given Test
Asks Aid
Seeking Right Gi
YOUNG BLONDE
STAR CHOSEN
Vinchell
Alice in Wonderland
Alice in Wonderland
Alice in Wonderland

STUDIO SNOWED UNDER BY ENORMOUS FAN MAIL ON "ALICE"

The public interest in "Alice", created by great publicity campaign on this picture, is now at its peak. Over 25,000 personal expressions of opinion have been received by the studio as a result of the articles that have run in newspapers in regard to "Alice".

48 Little Theatre groups have wired or written to recommend their favorite "Alice." 50 leading citizens of this country have expressed their own personal opinions concerning "Alice".

6,800 applications were received from girls and young women in the United States, England and Canada who wished to play the role of "Alice". 650 of these were personally interviewed. Play "Alice" at Christmas and tie in with this interest.

brings public interest to peak . . .

25 MANUFACTURERS TIE UP WITH PARAMOUNT'S "ALICE"

The enormous public interest in Paramount's "Alice" has prompted twenty-five nationally known manufacturers to put out lines of "Alice" merchandise; dolls, toys, paper cutouts, puzzles, games, jewelry, soap, plaster and metal figures, book-ends, books, tea sets, children's dresses and "Alice" novelties of all sorts.

Nation-wide window displays featuring this merchandise will appear during the Christmas season. Exhibitors playing "Alice" at Christmas will have every opportunity to tie in with these merchandising displays.

NATION'S DEPARTMENT STORES TO FEATURE "ALICE" WINDOWS

An "Alice in Wonderland" Christmas! This is the decision of the nation's leading department stores this year. R. H. Macy & Company, New York, have already prepared a number of windows on "Alice" and will feature "Alice" in all their advertising. The May Co. of Los Angeles and Mandel Brothers of Chicago are among other department stores featuring "Alice" in their windows.

Leading Fifth Avenue jewelers have created elaborate windows on "Alice" for the Christmas season. It is expected that over 400 department stores will make special "Alice in Wonderland" displays at Christmas. Play "Alice" at Christmas and tie in with this great exploitation opportunity.

Play "ALICE" at Christmas . . . .

and PLAY SANTA CLAUS TO YOURSELF!

Paramount Pictures

if it's a PARAMOUNT PICTURE it's the best show in town!

All Departments of Labor Named

(*Continued from page 6*)

writers; sprinkler fitters; steam fitters; structural steel workers; swing gang (property); upholsterers; welders; and Laboratory Workers of the following classifications: chemical mixers, negative assemblers and breaker-downs; negative developers' assistants, negative notchers, negative splicers, positive daily assemblers, positive developers' assistants, positive release splicers, printers, processing and negative polishers, release inspectors, rewinders, sensitometry assistants, shift boss printers and vault clerks.

(d)—The maximum hours fixed in the foregoing paragraphs (a), (b) and (c) shall not apply to employees on emergency, or maintenance and repair work; nor to cases where restriction of hours of skilled workers on continuous processes would hinder, reduce or delay production; nor to

(1)—employees in executive or managerial capacities, professional persons, actors (exclusive of so-called "extras"); attorneys and their assistants; department heads and their assistants; directors; doctors; managers; executives, their assistants and secretaries; professional nurses; producers and their assistants; purchasing agents; unit business managers; and writers; nor to

(2)—employees engaged directly in production work whose working time must necessarily follow that of a production unit, including art directors; assistant directors; cameramen and assistants; company wardrobe men (women) and assistants; costume designers; draftsmen; make-up artists and hairdressers; optical experts; positive cutters and assistants; process projectionists; script clerks; set dressers; "stand-by" or "key-men;" sound mixers; sound recorders; wardrobe fitters; nor to

(3)—employees regardless of classification assigned on location work; nor to

(4)—employees engaged directly in newsreel production work in the following classifications; editors and subeditors; film cutters and film joiners; type setters; camera men and sound men; the working hours of news-reel cameramen and soundmen shall be limited to three hundred and twenty (320) hours in any eight week period, to be computed from the time such employees leave their base of operation with their equipment until the time of their return, or are required to remain in a designated place; contacting and planning shall not be computed as working hours; nor shall this limitation on working hours apply to news-reel cameramen and soundmen who make special trips of a semi-vacational nature on trains, ships, etc., or who shall be assigned to duty at a summer or winter resort for an extended period of time, nor to newsreel cameramen and soundmen on roving or "gypsy" assignments; nor to

(5)—employees of producers of animated motion picture cartoons in the following classifications: animators; assistant animators; cartoon photographers; story and music department employees; tracers and opaquers; the working hours of tracers and opaquers shall be limited to forty-four (44) hours in any one week, subject to the exceptions made herein in cases of emergency.

(e)—With respect to those classes of employees specified within sub-division (2) of the foregoing subdivition (d) of this Section 1,

(1)—such employees employed on an hourly basis or on a daily basis with overtime compensation shall at the conclusion of any single production be given a full day off without pay for each six (6) hours of work in excess of a thirty-six (36) hour weekly average during the production; employees employed on a weekly basis, whether by agreement in writing or otherwise, shall not be deemed to be within the purview of this sub-section (1).

(2)—art directors, assistant directors, company wardrobe men, women and assistants, costume designers, draftsmen, make-up artists, hair dressers, optical experts, process projectionists, script clerks, and wardrobe fitters receiving $70.00 or less per week without overtime compensation, at the conclusion of any single production shall be laid off one full day, without pay, for each six (6) hours of work in excess of a thirty-six (36) hour weekly average during the production period but for each six (6) hours or fraction thereof which each such employee has worked in excess of a fifty-four (54) hour weekly average during said production such employee shall receive one full day's pay. No such employee shall be permitted to work in another studio during the time of such lay-off.

Section 2.—MINIMUM WAGES.

(a)—No employee of any class shall be paid less than forty (40) cents per hour.

(b)—The following clerical, office and service employees shall be paid not less than fifty (50) cents per hour:

Accountants, accounting machine operators; bookkeepers; clerks; file clerks; firemen; garage clerks; readers; secretaries; stenographers; telephone and telegraph operators; time-keepers; typists.

(c)—No employee of the following classes of studio mechanics shall be paid less per hour than the rates specified for each class:

Artists and Sculptors	$1.94
Automotive Mechanics	1.00
Blacksmiths	1.16⅔
Carpenters	1.16⅔
Casters and Mouldmakers (staff)	1.16⅔
Cement Finishers	1.16⅔
Construction Foremen (carpenter)	1.33⅓
Electrical Foremen	1.33⅓
Electrical Workers	1.16⅔
Floormen (electric)	1.00
Foundrymen	1.16⅔
Gaffers	1.16⅔
Grips	1.00
Laborers	.60
Lamp Operators	1.00
Machinists	1.16⅔
Marbleizers, Grainers and Fur Finishers	1.40
Modelers (staff)	1.94
Modelmakers (staff)	1.25
Moulders (metal)	1.16⅔
Operating Engineers	1.16⅔
Ornamental Iron Workers	1.16⅔
Painters	1.16⅔
Pattern Makers	1.16⅔
Plasterers	1.25
Plumbers	1.16⅔
Projectionists	1.25
Propertymen (first)	1.00
Propertymen (second)	.90
Scenic Artists	2.25
Set Drapers	1.00
Sheetmetal Workers	1.16⅔
Sign Writers	1.66⅔
Sprinkler fitters	1.16⅔
Steam fitters	1.16⅔
Structural Steel Workers	1.16⅔
Swing gang (property)	.75
Upholsterers	1.10
Welders	1.16⅔

When any of the above studio mechanics works more than six (6) hours per day on: (1) emergency or maintenance or repair work, or (2) to avoid hindering, reducing or delaying production, he shall be compensated at not less than time and one-half for all overtime in excess of six (6) hours.

(d)—No employees of the following classes shall be paid less per hour than the rates specified for each class:

Assistant Cutters	$1.00
Chauffeurs and Truck Drivers	.83⅓
Laboratory workers of the following classifications:	
Chemical Mixers	.70
Negative Assemblers and Breakerdowns	.81
Negative Developers' Assistants	.81
Negative Notchers	.75
Negative Splicers	.70
Positive Daily Assemblers	.75
Positive Developers' Assistants	.74
Positive Release Splicers	.64
Printers	.81
Processing and Negative Polishers	.70
Release Inspectors	.70
Rewinders	.64
Sensitometry Assistants	.81
Shift Boss Printers	.93
Vault Clerks	.81
Film Loaders	.83⅓

When any of the above employees works more than thirty-six (36) hours in any one week on: (1) emergency or maintenance or repair work; or (2) to avoid hindering, reducing or delaying production, he shall be compensated at straight time for all overtime in excess of thirty-six (36) cumulative hours.

(e)—With respect to the following classifications there may be substituted a weekly wage in lieu of an hourly wage:

Construction Foreman (carpenter)	76.75
Electrical Foremen	76.75
Gaffer	68.50
Floorman (electric)	60.00
Grips	60.00
Propertymen (first)	60.00

However, for "stand-by" or "key men," not more than one man of any of the above classifications shall be assigned to any one producing unit.

(f)—With respect to all employees listed in paragraphs (c) and (d) of this Section, the foregoing scale of minimum wages shall prevail on all locations except that the following wage scale may be paid in lieu thereof on distant location, if so stipulated before employment commences and all such employees' expenses are paid:

Distant locations when employed less than one week of seven (7) days and subject to "call at any time":

Studio Hourly Rate	*Distant Location Daily Rate When Less Than One Week*	*Distant Location Weekly Rate*
$2.25	$27.25	$161.75
1.94	24.00	141.75
1.66⅔	20.75	121.75
1.40	17.25	101.75
1.33⅓	15.75	91.75
1.25	14.75	86.75
1.16⅔	13.75	81.75
1.10	13.25	78.00
1.00	12.25	71.75
.90	11.50	66.75
.83⅓	8.50	51.75
.75	8.00	46.75
.60	6.50	37.75

When the distant location daily rate above is employed, the total wage for any one week shall not exceed the distant location weekly wage.

(g)—Every news-reel cameraman or soundman shall be given one day off with pay for every four (4) cumulative days (24 hours per day) that he is away from his base of operations, except if on roving or "gypsy" assignments.

Section 3.—PROVISIONS REGARDING "EXTRAS."

The Code Authority provided for in this Code shall undertake and provide for rules and regulations to be adopted by all casting agencies and/or Producers with respect to "extras," and shall appoint a standing committee representative of employers, "extra players," and the public, to effectuate the foregoing purposes and to interpret the terms of any provisions made for "extras" and to supervise the same, receive and pass on complaints and grievances, and to otherwise aid in effectuating the foregoing provisions, subject to review by the Administrator.

Such standing committee under the supervision of the Code Authority shall cause a reclassification of "extras" and "extra talent" to be undertaken, based upon the following qualifications for such labor:

(a)—"Extra players" shall be those who by experience and/or ability are known to be competent to play group and individual business parts and to otherwise appear in a motion picture in other than atmospheric background or crowd work.

(b)—Atmosphere people who are not to be classified as dependent on motion pictures for a livelihood, but who may be recorded, listed and called upon for occasional special qualifications not possible of filling from the registered Extra Players.

(c)—Crowds not classified, including racial groups, location crowds where transportation is unpractical and crowd assemblies of a public nature.

The minimum pay for the foregoing classifications shall be as follows:

(a)—"Extra players," $7.50 per day, with this minimum graded upward according to the character and importance of the performance and the personal wardrobe required, the minimum for Class A "dress" people to be $15 per day; provided that, if any "extra player" employed as such is required to play a part or bit with essential story dialogue, such player shall not be deemed to be an "extra player" and shall become a "bit player," and his compensation shall be fixed by agreement between such player and the Producer before the part or bit is undertaken, but the minimum compensation to such "bit player" shall not be less than twenty-five dollars ($25.00).

(b)—Atmosphere people, $5 per day, provided that any "extra player" may accept atmosphere work without losing or jeopardizing his registration as an "extra player."

(c)—Crowds, $5 per day, provided that this minimum shall not prevent the employment of large groups under special circumstances at a rate lower than the minimum.

(d)—Transportation to and from location shall be paid to "extra players." There shall also be paid to "extra players" for interviews and fittings the payments provided for in Order 16-A of the Industrial Welfare Commission of the State of California; except that in the event that any interview extends beyond one and one-half hours, the "extra player," although not engaged, shall receive not less than one-fourth of a day's pay, and if any interview shall extend beyond two hours, the "extra player" shall receive an additional one-fourth of a day's pay for every additional two hours or fraction thereof.

The following shall be provided for by the said standing committee among the working conditions to be regulated as above provided:

(a)—In Casting Bureaus casting and employment interviews of women and children shall be by women casting officials, and men by men.

(b)—No one shall be employed as an "extra player" or "atmosphere worker" who is a depentent member of the immediate family of any regular employee of a motion picture company or any person who is not obliged to depend upon extra work as a means of livelihood, unless the exigencies of production reasonably construed, require an exception to be made. And further, no one shall be employed as an "extra player" or "atmosphere worker" on account of personal favoritism.

(c)—A day's work in any State shall be eight (8) hours, with overtime as provided by the existing California Statutes relating thereto.

(d)—No person coming under the above classifications shall be permitted to work in more than one picture for the same day's pay, including overtime, this provision being intended to spread employment.

(e)—Rotation of work shall be established to such reasonable degree as may be possible and practicable.

(f)—No person not a registered "extra player" shall be requested by a studio casting office from any casting agency, and each registered "extra player" shall be provided with a card of identification; suitable regulations for carrying out this provision shall be adopted.

Section 4A.—PROVISIONS REGARDING "FREE LANCE" PLAYERS.

The Code Authority provided for in this Code shall undertake and provide for rules and regulations to be binding upon all Producers with respect to "free lance" playcrs, receiving compensation of one hundred fifty dollars ($150.00) or less per week, and shall appoint a standing committee representative of employers, "free lance" players, and the public, to effectuate the foregoing purposes and to interpret the terms of any provisions made for "free lance" players, and to supervise the same, receive and pass on complaints and grievances, and to otherwise aid in effectuating the foregoing provisions subject to review by the Administrator.

Such standing committee, under the supervision of the Code Authority, shall make full investigation with respect to the working conditions of such "free lance" players and shall undertake in and provide for by the rules and regulations hereinabove provided for with respect to hours

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of employment for such "free lance" players, rotation and distribution of work to such reasonable degree as may be possible and practicable, and minimum adequate compensation therefor.

Section 5.—OVERRIDING PROVISIONS.

If the prevailing wage scale and maximum number of hours per week as of August 23, 1933, as fixed in any agreement or as enforced between the employers and associations of any such employees, however, shall be at a rate exceeding the minimum wage scale provided for or less than the number of hours per week herein provided for with respect to any of such employees, such scales and hours of labor in the localities where same were enforced shall be deemed to be, and hereby are declared to be, the minimum scale of wages and maximum number of hours with respect to these aforementioned employees in such localities under this Section of the Code.

Section 6.—CHILD LABOR.

On and after the effective date of this Code, no person under sixteen (16) years of age shall be employed in the production of motion pictures, provided, however, where a State law provides a higher minimum age, no person under the age specified by said State shall be employed in that State, and provided further, however, where a role or roles are to be filled or appearance made by a child or children, a Producer may utilize the services of such child or children upon his compliance with the provisions of State laws appertaining thereto.

B.—On and after the effective date of this Code, in the **DISTRIBUTION** of Motion Pictures:

Section 1.—HOURS OF EMPLOYMENT.

(a)—No employee except outside salesmen shall work more than forty (40) hours in any one week.

(b)—This provision for working hours shall not apply to professional persons employed in their profession nor to employees in a managerial or an executive capacity or in any other capacity of distinction or sole responsibility who now receive more than $35.00 per week; nor to employees on emergency or maintenance and repair work.

Section 2.—MINIMUM WAGES.

No employee shall be paid:

(a)—Less than fifteen dollars ($15.00) per week in any city over 500,000 population or in the immediate trade area of such city.

(b)—Less than fourteen dollars and fifty cents ($14.50) per week in any city between 250,000 and 500,000 population or in the immediate trade area of such city.

(c)—Less than fourteen dollars ($14.00) per week in any city or place up to 250,000 population or in the immediate trade area of such city or place.

Section 3.—On or after the effective date no person under sixteen (16) years of age shall be employed in the distribution of motion pictures, provided, however, where a State law provides a higher minimum age, no person below the age specified by such State law shall be employed within that State.

C.—On and after the effective date of this Code, in the **EXHIBITION** of Motion Pictures:

PART 1.—Employees other than actors

Section 1.—No person under sixteen (16) years of age shall be employed; provided, however, that where a State law provides a higher minimum age no person below the age specified by such State law shall be employed in that State.

Section 2.—No employee, notwithstanding the provisions of Section 6(a) hereof, shall work more than forty (40) hours in one week, except that such maximum hours shall not apply to employees in a managerial, executive or advisory capacity who now receive thirty-five dollars ($35.00) or more per week, or to employees whose duties are of general utilitarian character, or to emergencies.

Section 3.—With respect to employees regularly employed as ticket-sellers, doormen, ushers, cleaners, matrons, watchmen, attendants, porters, and office help, such employees shall receive not less than a twenty percent (20%) increase over the wage paid to them as of August 1, 1933, in cities and places having a population of less than 15,000, provided that this shall not require a wage for those employees in excess of twenty-five (25) cents per hour.

Section 4.—With respect to employees regularly employed as ticket sellers, doormen, cleaners, matrons, watchmen, attendants, porters, and office help, such employees shall receive not less than thirty (30) cents per hour in cities and places having a population of more than 15,000 and less than 500,000, and not less than thirty-five (35) cents per hour in cities and towns having a population of more than 500,000.

Section 5.—With respect to employees regularly employed as ushers, in cities and places having a population over 15,000, such employees shall receive a wage of not less than twenty-five (25) cents per hour.

Section 6.—(a) Employees associated with organizations of or performing the duties of bill-posters, carpenters, electrical workers, engineers, firemen, motion picture machine operators, oilers, painters, theatrical stage employees, theatrical wardrobe attendants, or other skilled mechanics and artisans, who are directly and regularly employed by the Exhibitors, shall receive not less than the minimum wage and work no longer than the maximum number of hours per week which were in force as of August 23, 1933, as the prevailing scale of wages and maximum number of hours of labor by organizations of any of such employees affiliated with the American Federation of Labor with respect to their respective type of work in a particular class of theatre or theatres in a particular location in a particular community, and such scales and hours of labor with respect to any of such employees in such community shall be deemed to be, and hereby are declared to be, the minimum scale of wages and maximum number of hours with respect to all of such employees in such communities in such class of theatre or theatres.

(b) In the event, however, that there exist in the particular community organizations of such employees above mentioned, members of which were directly and regularly employed by the Exhibitor or Exhibitors on August 23, 1933, and which organizations are affiliated as above set forth, and (1) no prevailing scale of wages and maximum number of hours for such employees exist in such community with respect to such employees, or (2) any dispute should arise as to what is the minimum scale of wages or the maximum number of hours of labor with respect to any of such employees for a particular class of theatre or theatres in any particular community, then and in either of those events such disputes shall be determined as follows:

(1) If the question at issue arises with an organization of such employees affiliated with the American Federation of Labor, then a representative appointed by the National President of such affiliated organization, together with a representative appointed by the Exhibitors, shall examine into the facts and determine the existing minimum scale of wages and maximum number of hours of labor for such class of theatre or theatres in such particular locality, and in the event they cannot agree upon the same, they shall mutually designate an impartial third person who shall be empowered to sit with such representatives, review the facts and finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such third person, then the Administrator shall designate such third person; or

(2) If the question at issue arises with unorganized employees or with an organization of such employees not affiliated with the American Federation of Labor, and if in said community there exist members of such an affiliated organization directly and regularly employed by an Exhibitor or Exhibitors, then a representative of such unorganized employees, or, as the case may be, a representative appointed by the President of such unaffiliated organization or both, together with a representative appointed by the National President of such affiliated organization above referred to, together with a representative appointed by the Exhibitors, shall examine into the facts and unanimously determine the existing scale of wages and maximum number of hours of labor for such class of theatre or theatres in such particular community, and in the event they cannot unanimously agree upon the same, they shall mutually designate an impartial person who shall be empowered to sit with such representatives, review the facts, and finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such impartial person, then the Administrator shall designate such impartial person; or

(3) If the question at issue arises with unorganized employees or with an organization of such employees not affiliated with the American Federation of Labor and not, subject to the foregoing provisions of sub-paragraphs (1) and (2) of paragraph (b) hereof, then a representative of such unorganized employees, or, as the case may be, a representative of the President of such unaffiliated organization or both together with a representative appointed by the Exhibitors, shall examine into the facts and determine the existing minimum scale of wages and maximum hours of labor, for such class of theatre or theatres in such particular locality, and in the event they cannot agree upon the same, they shall mutually designate an impartial person who shall be empowered to sit with such representatives, review the facts and finally determine such dispute, with the proviso, however, that in the event such representatives cannot mutually agree upon such impartial person, then the Administrator shall designate such impartial person.

(c) Pending the determination of any such dispute, the rate of wages then paid by the Exhibitor in such theatre or theatres in such community, and the maximum number of hours then in force (if not more than the hours provided for in this Code) shall not be changed so as to decrease wages or increase hours.

(d) In order to effectuate the foregoing provisions of this Section 6 hereof, and pending the determination of any dispute as above specified, the employees herein embraced and provided for agree that they shall not strike, and the Exhibitors agree that they shall not lock out such employees.

Section 7.—In no event shall the duties of any of the employees hereinabove specified in Section 6(a) directly and regularly employed by the Exhibitors as of August 23, 1933, be increased so as to decrease the number of such employees employed in any theatre or theatres in any community, except by mutual consent.

Section 8.—With respect to any employee not hereinbefore provided for, such employee when directly and regularly employed by the Exhibitors shall be paid not less than forty (40) cents per hour.

Section 9.—By reason of the professional character of their employment, the minimum wage and maximum hours of employment of employees performing the duties of musicians shall as heretofore be established by prevailing labor agreements, understandings, or practices.

Section 10.—With respect to disputes arising between employees and employers in the EXHIBITION branch of the Motion Picture Industry, the parties pledge themselves to attempt to arbitrate all such disputes.

Section 11.—The Administrator after such notice and hearing as he shall prescribe may revise or modify any determination of any dispute pursuant to Section 6 of PART 1 of division C of this Article IV.

Sol A. Rosenblatt

He wrote it

PART 2.— Actor employees in vaudeville and presentation motion picture theatres.

Section 1.—DEFINITIONS.

(a)—Presentation and vaudeville shall include both permanent and traveling companies of artists playing presentation and vaudeville houses, but is not intended to include: amateur shows, "rep" shows, "tab" shows, "tent" shows, "wagon" shows, "truck" shows, "medicine" shows, "showboat" or "hurlesque," as these terms are understood in the theatre.

(b)—A "traveling" company, as used in this Code, means a company which moves from theatre to theatre irrespective of locality.

Section 2.—AUDITIONS.

(a)—**Principles.** It shall be an unfair trade practice for any Exhibitor or independent contractor under the guise of public audition to break-in, try-out or to require a performer to render service for less than the minimum salary established by this Code. This shall not prohibit, however, the appearance or participation of any performer in benefit performances which have been approved by the performer or by any bona fide organization of the performer's own choosing.

(b)—**Chorus.** It shall be an unfair trade practice for any manager or independent contractor, under the guise of a public audition, break-in, or try-out, to require the chorus to render services for less than the minimum salary established by this Code. This shall not prohibit, however, the appearance of the chorus or participation in benefit performances which have been approved by the chorus or any bona fide organization of the chorus' own choosing.

Section 3.—REHEARSALS.

(a)—**Principals.** Rehearsal period for principals shall be limited to four weeks, and they shall be guaranteed two consecutive weeks' compensation for employment for said four weeks of rehearsals, which shall immediately follow the rehearsal period. In the event that any rehearsal over four weeks is required there shall be compensation for an additional consecutive week's playing time guaranteed for each week's rehearsal. This shall not apply, however, to principals, owning their own acts.

(b)—**Chorus.** No Exhibitor or independent contractor shall require for an engagement of only one week any chorus person to rehearse in excess of five (5) days, nor for an engagement of two or more weeks to rehearse in excess of two (2) weeks. Any such engagement shall follow immediately such respective rehearsal periods. The Chorus shall not be required to rehearse for more than forty (40) hours a week and rehearsal shall be considered to be continuous from the time the chorus is called on the first day of rehearsal until the opening day. For each additional week of rehearsal there shall be compensation for an additional week's consecutive employment.

Section 4.—MAXIMUM HOURS AND MINIMUM WAGES.

(a)—**Principals.** Owing to the peculiar nature of the stage presentation and vaudeville business and the unique conditions prevailing therein, the necessary policy and variations in the operation of such theatres, the changing nature of the entertainment and the fact that such entertainment is of a character requiring the services of artists of unique and distinctive ability who cannot be replaced, it is recognized that it is impossible to fix the maximum hours per week of artists appearing in such theatres.

(1)—For performers with more than two years' theatrical experience, there shall be a minimum wage of forty ($40) dollars weekly net.

(2)—For performers with less than two years' theatrical experience, there shall be a minimum wage of twenty-five ($25) dollars weekly net.

(3)—The minimum wage of performers employed on a perdiem basis shall be seven dollars and fifty cents ($7.50) per day net.

(b)—**Chorus.** No singing or dancing chorus person shall be required to work more than forty (40) hours in any week and there shall be one day out of every seven during which the chorus shall be released from work with pay. Working time shall include the entire time of a performance or presentation in which the chorus appears in one or more numbers as an integral part of the presentation, and all rehearsal time excluding dressing and

(*Continued on page 17*)

Disputed Agent, Star Clauses

(*Continued from page* 16)

undressing time. No chorus person shall be required to report at a theatre before nine o'clock in the morning.

On the day a chorus person is released with pay, such chorus person shall not be required to rehearse or report to the theatre or perform any service. This provision for a free day shall not apply to traveling companies.

(1)—There shall be a minimum wage of thirty ($30) dollars per week in any De Luxe Theatre.

(2)—There shall be a minimum wage of thirty-five ($35) dollars per week in traveling companies.

(3)—There shall be a minimum wage of twenty-five ($25) dollars per week in other than De Luxe Theatres.

(4)—Wherever a theatre augments the chorus by employing additional chorus persons such additional chorus persons shall rehearse more than five (5) days.

(5)—It shall be an unfair trade practice for any Exhibitor or independent contractor to engage any chorus person under any agreements which would reduce the net salary below the minimum wage through the payment of any fee or commission to any agency (whether such fee is paid by the Exhibitor or independent contractor or by the chorus), or by any other form of deduction.

(6)—After the first two weeks of consecutive employment, if a lay-off is necessary, the Exhibitor or independent contractor shall pay each chorus person not less than three ($3) dollars per day for each day of lay-off. In connection with a traveling unit after the first two weeks of consecutive employment, if lay-off is caused on account of traveling, the Exhibitor or independent contractor shall be allowed two days traveling without pay for each four weeks of employment West of the Rockies, and one day's traveling without pay for each four weeks of employment East of the Rockies.

(7)—Wherever on August 23, 1933, any theatre paid a rate to chorus persons in excess of the minimum wages or employed chorus persons for a number of hours per week of labor less than the maximum hours, said higher wage and lesser number of hours shall be deemed to be, and are hereby declared to be, the minimum scale of wages and maximum hours of labor with respect to such theatres in this section of the Code.

Section 5.—GENERAL PROVISIONS

(a)—If in any city or place where by custom Sunday performances by living actors, or the performance of particular classes of acts, are not given, no performer or chorus person engaged to work in such city or place shall be required to perform or give performances of such particular class of act in such city or in any other place on the Sunday of the week for which such performer or chorus person was engaged to render services in such city or place.

(b)—Wherever any unit, traveling company or artist is required to give more than the regular number of performances established in the theatres in which they appear, said unit, traveling company or artist, all artists and chorus persons shall be paid for said extra performances pro rata.

Section 6.—CHORUS TRANSPORTATION.

(a)—Transportation of the chorus when required to travel, including transportation from point of organization and back, including sleepers, shall be paid by the employer whether Exhibitor or independent contractor.

(b)—If individual notice of contract termination is given, the chorus shall only be paid in cash the amount of the cost of transportation and sleeper of the chorus and baggage back to the point of origin whether the chorus returns immediately or not.

Section 7.—WARDROBE.

(a)—**Principals.** The Exhibitor or independent contractor shall furnish to every artist in a presentation unit or traveling company (not including what is commonly known as a vaudeville act) and receiving less than fifty ($50) dollars per week, without charge, all hats, costumes, wigs, shoes, tights and stockings and other necessary stage wardrobe excepting street clothes.

(b)—**Chorus.** The Exhibitor or independent contractor shall furnish the chorus, without charge, with all hats, costumes, wigs, shoes, tights, and stockings and other necessary stage wardrobe.

Section 8.—ARBITRATION.

(a)—Arbitration of all disputes under this section of this Article of the Code shall be in accordance with the arbitration provisions of this Code as hereafter generally provided.

Section 9.—CHILD LABOR.

(a)—On or after the effective date of this Code, no person under sixteen (16) years of age shall be employed as a principal or chorus person in connection with the exhibition of motion pictures, provided, however, where a State law provides a higher minimum age, no person under the age specified by said State law shall be employed in that State, and provided further, however, where a role or roles are to be filled or appearances made by a child or children, an Exhibitor or independent contractor may utilize the services of such child or children upon his compliance with the provisions of State laws appertaining thereto.

Section 10. The Code Authority may receive complaints with respect to alleged violations by an independent contractor of any of the foregoing Sections of this PART 2 and may after notice and hearing and with the approval of the Administrator prescribe rules and regulations governing the relations between Exhibitors and independent contractors guilty of any such violations.

ARTICLE V
Unfair Practices

A.—General.

Part 1.—The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or by the false disparagement of the grade or quality of their motion pictures or theatres, shall be deemed to be an unfair trade practice.

Part 2.—The publishing or circularizing of threats or suits or any other legal proceedings not in good faith, with the tendency or effect of harassing competitors or intimidating their customers, shall be deemed to be an unfair trade practice.

Part 3.—Securing confidential information concerning the business of a competitor by a false or misleading statement or representation, by a false impersonation of one in authority, by bribery, or by any other unfair method, shall be deemed to be an unfair trade practice.

Part 4.—To avoid the payment of sums unreasonably in excess of the fair value of personal services which results in unfair and destructive competition, the Code Authority shall have power with the approval of the Administrator to investigate whether in any case any employer in the motion picture industry has agreed to pay an unreasonably excessive inducement to any person to enter into the employ of such employer. If the Code Authority finds that such employer has done so, the Code Authority shall have the power, with the approval of the Administrator, to impose an assessment against such employer in the amount of the unreasonable excess payment to such person, not, however, to exceed the sum of Ten Thousand Dollars ($10,000.00), and to make public its findings, but nothing in this PART shall in any manner impair the validity or enforceability of such agreement of employment. All such assessments shall be paid to the Code Authority for use by it in the Administration of its functions.

B.—Producers.

Part 1.—It shall be an unfair trade practice for any Producer to aid, abet, or assist in the voluntary release or dismissal of any author, dramatist or actor employed in rendering his exclusive services in connection with the production of a "legitimate" drama or musical comedy for the purposes of securing the services of such author, dramatist or actor.

Part 2.—It shall be an unfair trade practice for a number of Producers who, in the usual and ordinary course of business, rent their respective studios or studio facilities to Producers (other than their affiliated companies), to conspire, agree, or take joint action to prevent any responsible Producer or Producers from renting such studios or studio facilities.

Part 3.—It shall be an unfair trade practice for a Producer to knowingly employ as an "extra" any member of the immediate family of any employee or any person who is not obliged to depend upon "extra" work as a means of livelihood, unless the exigencies of production require an exception to be made.

Part 4.—Section 1.

No Producer, directly or indirectly, shall transact any business relating to the production of motion pictures with any agent who under the procedure hereinafter set forth shall be found by the Agency Committee:

(a)—to have given, offered or promised to any employee of any Producer any gift or gratuity to influence the action of such employee in relation to the business of such Producer;

(b)—to have alienated or enticed, or to have attempted to alienate or entice, any employee under written contract of employment, from such employment, or to have induced or advised without justification any employee to do any act or thing in conflict with such employee's obligation to perform in good faith any contract of employment, whether oral or written;

(c)—knowingly to have made any materially false representation to any Producer in negotiations with such Producer for or affecting the employment or contemplated employment of any person represented by such agent;

(d)—to have violated or evaded or to have attempted to violate or evade, directly or indirectly, any of the provisions of PARTS 4 or 5 of this ARTICLE V;

(e)—to have failed or refused to have registered as an agent, in the event that such registration is required as provided for in Section 3 of this PART, or to have transacted business as an agent after his registration shall have been revoked, cancelled, or suspended.

Section 2.—The Agency Committee shall consist of ten (10) members, five (5) of whom shall be Producers or Producers' representatives named by the Code Authority, and the other five (5) shall consist of one agent, one actor, one writer, one director and one technician, who shall be selected by the Administrator from nominations as to each class named respectively by agents, actors, writers, directors and technicians, in such equitable manner as may be prescribed by the Administrator.

Section 3.—In order to effectuate this PART, the Agency Committee may recommend to the Administrator uniform terms and conditions for and an appropriate procedure for the registration of all agents with whom Producers may transact business relating to the production of motion pictures, and for the suspension, revocation, or cancellation of any such registration and appropriate rules and regulations affecting the agents as provided for herein. Such recommendations of the Agency Committee, together with the recommendations of the individual members thereof, shall be submitted in writing to the Administrator, who after such notice and hearing as he may prescribe, may approve or modify such recommendations. Upon approval by the Administrator, such recommendations shall have full force and effect as provisions of this Code. No agent shall be deprived of the right of registration without affording such agent a full and fair opportunity to be heard, and without the approval of the Administrator. Should it at any time be determined to provide for the registration of agents as hereinabove set forth, then all persons regularly transacting business as agents at such time shall be entitled to registration as a matter of course, provided application is made to the Agency Committee within thirty (30) days thereafter.

Section 4.—The Agency Committee may, after due notice and hearing, and with the approval of the Administrator, set up rules of fair practice governing relations between producers and agents, writers, actors, directors and technicians.

Section 5.—The Agency Committee shall make findings of fact concerning any matter coming before it pursuant to the provisions of this part and shall make such recommendations to the Administrator as to it may deem proper if the Committee is unanimous, otherwise separate recommendations may be submitted together with a report that the Committee has disagreed. No hearing or proceeding shall be conducted without due notice and a full and fair opportunity to all interested parties to appear and be heard. A complete transcript of all testimony and arguments shall be made and certified to the Administrator, together with the recommendations of the members of the Committee. The Administrator shall approve, reject or modify such recommendations or any of them and may conduct such further investigations and hearings as to him may seem necessary or advisable. The order of the Administrator shall be final.

Section 6.—The Agency Committee, subject to the approval of the Administrator, shall have authority to require all Producers to furnish such information as may be desired to effectuate the provisions of this PART.

Section 7.—The Agency Committee shall have full power and authority to prescribe reasonable rules of procedure for determining all matters of dispute or controversy which may properly arise before such Committee in connection with this PART.

Section 8.—The term "agent" as used herein shall apply to any person (including firms, corporations or associations), who, directly or indirectly, for a fee or other valuable consideration, procures, promises or undertakes to procure employment for any person for or in connection with the production of motion pictures.

Section 9.—The provisions of ARTICLE II, Section 7, of this Code shall not supersede the operation of this PART 4 and the following PART 4 (A).

Section 10.—It shall be an unfair trade practice for any Producer, or any employee of a Producer, directly or indirectly, to engage in, carry on, or in any way be financially interested in or connected with the business of an agent as herein defined, without making known such fact to the Agency Committee within twenty (20) days from the effective date, or if such interest is acquired subsequent to the effective date, then within ten (10) days after the acquisition of such interest. The Agency Committee shall require such public disclosure to be made of such interest as it may deem advisable; and the Agency Committee may make such further rules in connection with the subject matter of this Section as it sees fit, subject to the approval of the Administrator.

PART 4(A).—Should the Administrator determine at any time upon a fair showing, after notice, that a set of fair practices should be adopted governing relations between Producers and any one of the following classes: writers, directors, technicians, actors and agents, a special committee shall be appointed for that purpose. The Producers and the class interested in such fair practices in each instance shall be entitled to equal representation on such committee.

The Committee members shall be appointed in the manner, and its proceedings and those of the Administrator shall be the same, as above provided in the case of the Agency Committee.

At the same time that the findings or report of the Committee shall be sent to the Administrator, the same shall be made public in such manner as may be determined by the Administrator.

PART 5.—Section 1.—No Producer, directly or indirectly, secretly or otherwise shall

(a)—Entice or alienate from his employment any employee of any other Producer or induce or advise any such employee to do anything in conflict or inconsistent with such employee's obligation to perform in good faith any contract of employment.

(b)—Foment dissension, discord or strife between any employee of any other Producer and his employer with the effect of securing the employee's release from employment or a change in the terms of any contract under which the employee is engaged or of causing the employee to be or become dissatisfied with his subsisting contract.

(c)—In any manner whatsoever negotiate with or make any offer for or to any employee under written contract to any other Producer prior to the last thirty (30) days of the term of the contract of employment, regardless of the compensation.

Section 2.—All production employees rendering services of an artistic, creative, technical or executive nature, for the purpose of this PART, shall be classified as follows:

(a)—Employees not under written contract who are employed at not less than $250.00 per week or $2,500.00 per picture.

(b)—Employees under written contract, for a period, inclusive of options, if any, of less than one year, whose compensation is not less than $250.00 per week or $2,500.00 per picture.

(c)—Employees under written contract for the period of at least one year, or at least three pictures, inclusive of options, if any, whose compensation is not less than $250.00 per week (exclusive of lay-off periods) or $2,500.00 per picture.

The term "contract" as used in subdivisions (b) and (c) shall be deemed to mean and include not only any subsisting contract with any Producer, but also any prior contract with such Producer or with any parent, subsidiary or predecessor corporation of such Producer, provided that the employment thereunder has been or may be continuous.

(d)—Nothing hereinbefore in subdivision

(*Continued on page* 18)

Distribution Practices Set Up

(*Continued from page 17*)

(c) of Section 1 or in subdivision (a), (b) and (c) of this Section contained shall apply to so-called "free lance" players, writers, directors or other employees who are engaged to render services of an artistic nature in connection with one or two pictures only, unless the actual period of employment of any such employee is intended to or shall cover a minimum period of one year.

Section 3.—Should any Producer make any offer for the services of any employee of any other Producer, and such employee is classified within either subdivision (a), (b), (c) or (d) of Section 2, and registered as hereinafter in Section 6 provided, then on the same day such offer is made, the Producer making such offer shall notify the employing Producer in writing that such offer has been made, and shall state the full and complete terms and conditions thereof, including particularly the compensation, the proposed period of employment, and any additional special terms. Simultaneously, a copy of said notice shall be delivered to the Registrar hereinafter provided for. The employing Producer thereupon shall be afforded a reasonable opportunity, not exceeding three (3) days, to be determined by the Registrar as hereinafter in Section 6 provided, within which time to negotiate for and contract with such employee for his continued services, on such terms as may be mutually acceptable, but the employee in every instance shall have the full and independent choice as to which offer he will accept. Any offer made by any Producer and reported to the employing Producer shall be conditional upon the right of the employing Producer as hereinabove provided, and shall be a firm offer not to expire until at least twenty-four (24) hours after the period permitted the employing Producer to negotiate as herein provided for.

The notice hereinabove provided for need be given, however, with reference to employees classified in subdivisions (b) and (c) of Section 2, only upon the condition that prior to the last thirty (30) day period of employment the employing Producer shall have made an offer in good faith to such employee for a renewal or extension of his contract of employment and shall have communicated that fact to the Registrar.

Section 4.—Should any Producer desire to continue, renew or extend the period of employment of any employee classified within subdivision (c) of Section 2 hereof, and if he shall have evidenced such desire by making an offer in good faith to such employee prior to the last thirty (30) day period of his employment and such offer be rejected, and provided the compensation of such employee paid by the employing Producer was at least $500.00 per week or $5,000.00 per picture, such Producer nevertheless shall be entitled to notice of offers which may be made to such employee by other Producers, during the period hereinafter provided, following the termination of such employment. Should any other Producer make any offer for the services of any such employee within such period, then on the same day that such offer is made such Producer shall notify the former employing Producer and the Registrar in like manner as is provided for in Section 3. The same procedure, rules and conditions shall govern with reference to offers made under this Section as are provided for in Section 3, to the end that:

(a)—the former employing Producer shall be entitled to a reasonable period not exceeding three (3) days within which to negotiate and contract for the services of the employee in question;

(b)—the offer of the second Producer shall continue as a firm offer for twenty-four (24) hours beyond the period referred to in subdivision (a); and

(c)—the employee at all times shall have a free and independent choice as to which offer he will accept.

The period during which the first employing Producer shall be entitled to notice of offers made by other Producers, as hereinabove provide for, shall be three (3) months from the date of termination of the first employment in all cases where the compensation for the employee in connection with the former employment was at the rate of less than $1,000 per week (exclusive of lay-off periods), or if the employee was employed on a picture basis, less than $10,000 per picture. In all other cases where the compensation was equal to or in excess of the above amounts, the period shall be six (6) months.

Section 5.—No Producer, Distributor or Exhibitor shall violate or aid or abet in the violation of this PART. It shall be an unfair trade practice for any Producer to use coercion to prevent offers being made any employee by other Producers.

Section 6.—The Code Authority shall appoint a standing committee, which shall have full power and authority to determine the good faith of any offer made by the employing Producer, so as to entitle such Producer to notice of subsequent offers, as hereinabove provided for, and to determine whether the period within which such notice must be given should be for three (3) months or six (6) months. The Registrar shall be appointed and removed by said standing committee at will, and any act or decision of the Registrar shall be subject to review, reversal or modification by said committee or by the Code Authority on its own motion or on application of any interested party.

The Registrar shall provide an appropriate method whereby all Producers may ascertain in each instance when, and the period during which, notices of offers are to be transmitted to the employing or former employing Producer. Said Registrar shall also prescribe the procedure so as to prevent any employing or any former employing Producer from any unreasonable delay or from withholding any action or decision permitted under the provisions hereof, to the end that the immediate employment of any persons with whom any other Producer desires to contract shall not be unreasonably delayed or prevented. In such connection the Registrar shall have power in any instance to designate a reasonable period, in no event to exceed three (3) days, within which the second Producer shall be precluded from executing any proposed contract with the employee or former employee of the first employing or former employing Producer.

Notwithstanding anything contained in this PART to the contrary, the provisions of this PART shall apply only to employees whose names are registered with the Registrar by the employing Producer, and the right of registration or continued registration may be determined in any instance by the standing committee either upon its own motion or on application of any person interested, including the employee affected. In the event of the termination for any reason whatsoever of the employment of any person whose name is registered, the former employing Producer shall notify the Registrar in writing forthwith of such termination. Any Producer may withdraw from registration the name of any employee or by written notice served on the Registrar may waive the right to be notified of offers made to any employee by any other Producer, but he shall not refrain from registering the name of any employee, withdraw any name so registered or waive any such right to notice by virtue of any agreement to that effect with the employee. The Registrar shall provide an appropriate method for notifying all Producers promptly of all registrations, withdrawal of registrations, terminations of employment and waivers.

Section 7.—If the Code Authority, or any committee appointed by it for that purpose, after notice and hearing shall find that any employee of any Producer has refused without just cause to render services under any contract of employment, the Code Authority shall have full power and authority, with the approval of the Administrator, to order all Producers to refrain from employing any such person in connection with the business of producing motion pictures for such period of time as may be designated by the Code Authority, and it shall be an unfair trade practice for any Producer to employ such person in violation of such order, or for any Distributor or Exhibitor, respectively, to distribute or exhibit any picture produced during the period prescribed by the Code Authority by or with the aid of such person. Such hearing shall be conducted only upon due notice. A full and fair opportunity shall be afforded to all interested parties to appear. A complete transcript of all testimony and arguments, together with the findings and order of the Code Authority shall be made and certified to the Administrator, who may approve, reject or modify such order, and in such connection conduct such further investigations and hearings as to him may seem necessary or advisable. The order of the Administrator shall be final.

Section 8.—If any Producer deliberately, wilfully, or persistently violates any of the provisions of this PART and the Code Authority so finds, and such finding is upheld by the Administrator, the Code Authority, with the approval of the Administrator, shall have power to impose such restrictions, prohibitions or conditions as it may deem proper upon the distribution or exhibition of motion pictures produced by any such offending Producer. Due notice of the ruling of the Code Authority, as approved by the Administrator shall be published in such manner as the Code Authority prescribes.

PART 6.—

(a) No cartoon Producer shall employ any person during such time as he is employed full time by another.

(b) No cartoon Producer shall make any offer directly or indirectly of any money inducement or advantage of any kind to any employee of any other cartoon Producer in an effort to entice, persuade or induce such employee to leave or become dissatisfied or to breach any contract covering his employment.

(c) No cartoon Producer shall adapt a cartoon character of another in such manner that the use of the adapted character shall constitute an appropriation by him of the good will of the creator.

C.—Producers-Distributors.

Part 1.—Where any contract granting the motion picture rights in any dramatic or dramatico-musical work specifies a date prior to which no motion picture based upon such work may be publicly exhibited, it shall be deemed to be an unfair trade practice for any Producer or Distributor to permit the public exhibition of such motion picture prior to such date.

Part 2.—

(a)—It shall be deemed to be an unfair trade practice for any Producer or Distributor, by any of its employees or through other persons who have a direct or indirect interest, whether financial or otherwise, in any such Producer or Distributor, to knowingly and intentionally directly or indirectly interfere with existing relations between an Outside or Associated Producer and a Producer or Distributor, or to do anything to alienate or entice any such Outside or Associated Producer away from a Producer or Distributor, or to do anything which would tend to create discord or strife between such Outside or Associated Producer and a Producer or Distributor, or foment dissension between them, for the purpose of inducing such Outside or Associated Producer to breach or attempt to breach any existing contracts between it and any Producer or Distributor, or to secure a change in the terms and conditions of any existing contract between any such Outside or Associated Producer and a Producer or Distributor.

(b)—To effectuate the foregoing, no Producer or Distributor shall negotiate with or make any offer for or to any such Outside or Associated Producer at any time prior to sixty (60) days before the termination of any existing agreement between such Outside or Associated Producer and any other Producer or Distributor, or not prior to sixty (60) days before the date when such Outside or Associated Producer shall fulfill, its delivery commitment to the Producer or Distributor with whom it has contractual obligations, whichever date is earlier.

D.—Distributors.

Part 1.—No Distributor shall threaten or coerce or intimidate any Exhibitor to enter into any contract for the exhibition of motion pictures, or to pay higher film rentals by the commission of any overt act evidencing an intention to build or otherwise acquire a motion picture theatre for operation in competition with such Exhibitor, but nothing in this ARTICLE shall in any way abridge the right of a Producer or Distributor in good faith to build or otherwise acquire a motion picture theatre in any location.

Part 2.—No Distributor's employee shall use his position with the Distributor to interfere with the licensing of motion pictures by an Exhibitor operating a theatre in competition with a theatre in which such employee may have a direct or indirect interest, provided, however, that an employee of a Distributor shall not be deemed to have an interest in any theatre affiliated with such Distributor.

Part. 3.—

(a)—No Distributor shall substitute for any feature motion picture described in the contract therefor as that of a named star or stars or named director or named well-known author, book or play one of any other star or stars, director, author, book or play, nor shall such Distributor substitute any other feature motion picture for one which in the contract therefor is designated "no substitute"; and no Exhibitor shall be required to accept any such substitute motion picture.

(b)—Nothing in this ARTICLE contained shall be interpreted to prohibit any Distributor from changing the title of any motion picture contracted for, from making changes, alterations and adaptations of any story, book, or play upon which it is based and from substituting for any such story, book or play another story, book or play, or from changing the director, the cast, or any member thereof of any such motion picture, except as hereinabove specifically prohibited.

(c)—If for any such author, book or play there is substituted another author, book or play, notice of such substitution shall be given by a paid advertisement of not less than one-quarter page in at least one issue of a national trade publication before the release date of the motion picture in which such substitution has been made.

Part 4.—

(a)—It shall be an unfair practice for any Distributor to license the exhibition of its motion pictures for exhibition by any non-theatrical account contrary to any determination, restriction or elimination by a local Grievance Board, where such exhibition shall be determined by such Grievance Board provided for in this Code to be unfair to an established motion picture theatre.

(b)—Nothing in this PART shall be interpreted to prohibit the licensing of motion pictures for exhibition at army posts, or camps, or on board ships of the United States Navy or ships engaged in carrying passengers to foreign or domestic ports or at educational or religious institutions or at institutions housing "shut-ins," such as prisons, hospitals, orphanages, etc.

Part 5.—No Distributor shall require as a condition of entering into a contract for the licensing of the exhibition of feature motion pictures that the Exhibitor contract also for the licensing of the exhibition of a greater number of short subjects (excepting news-reels) in proportion to the total number of short subjects required by such Exhibitor, than the proportion of the feature pictures for which a contract is negotiated bears to the total number of feature pictures required by the Exhibitor.

Part 6.—No Distributor shall divulge or authorize or knowingly permit to be divulged by any employee or checker any information received in the checking of the receipts of its motion pictures, except that such information may be divulged in any arbitration or grievance proceeding or litigation concerning a controversy and for any Government or Code Authority report.

Part 7.—No Distributor shall convey or transfer its assets for the purpose of avoiding the delivery to any Exhibitor of any feature motion picture licensed for exhibition by such Exhibitor.

Part 8.—No Distributor shall refuse to make a fair adjustment of the license fees for the exhibition rights of a number of pictures licensed in a group for a stated average sum per picture and so stated in the license agreement, if the total number of pictures so licensed by any Exhibitor are not delivered by such Distributor, provided such Exhibitor shall have fully and completely performed all the terms and conditions of such license on the part of the Exhibitor to be performed. Any dispute or controversy concerning any such adjustment shall be determined by a Local Grievance Board provided for in this Code.

Part. 9.—

(a)—No Distributor shall require any specific day or days of the week for the exhibition of specified pictures or class of pictures unless specifically provided for in the Exhibitor's contract therefor and in no event if the license fee therefor is a fixed sum only.

(b)—Where under an exhibition contract which provides that the rental to be paid by the Exhibitor for any feature motion picture specified therein shall be determined in whole or in part upon a percentage basis and that said picture shall be played by the Exhibitor upon a designated day or days of the week and the Exhibitor seeks to be relieved from the obligation to exhibit such motion picture upon such designated day or days for the reason only that the subject and character of the motion picture so designated are unsuitable for exhibition at the Exhibitor's theatre on such day or days, the claim of the Exhibitor shall be determined by the Local Grievance Board provided for by this Code, and the Distributor, if such Local Board so determines, shall relieve the Exhibitor from the obligation to play the motion picture upon the day or days designated by the Distributor; provided that the Exhibitor makes such claim within three (3) days after receipt of the notice of availability of such feature pic-

(*Continued on page 30*)

Day-by-Day History of the Code

M. P. Daily's Files Tell of Developments

May 4.—Motion Picture Daily gives film industry its first indication of far-reaching significance of the industrial recovery legislation through trade association agreements planned by President Roosevelt.

May 9.—President's industrial recovery legislation plans are completed.

May 17.—Recovery legislation goes to Senate with provision for Federal licensing of industries to replace anti-trust laws planned.

May 18.—Roosevelt control bill requires industry code, presaging industry-wide get-together of all factions for first time in its history.

May 23.—Recovery legislation ready for submission to House.

May 31.—Motion Picture Daily first divulges that film industry has begun to talk "code." Senate hearings on the new recovery legislation open in Washington and General Hugh S. Johnson takes over offices in the Dep't of Commerce Building-ing in anticipation of its passage.

June 6.—Ed. Kuykendall, M. P. T. O. A. president, arrives in New York for initial activities on drafting exhibition code.

June 7.—Will H. Hays issues general call to representatives of all industry branches to participate in first conference on drafting general industry code. Allied States representatives indicate they will not attend sessions, stating preference for an industry code drawn by the government.

June 9.—Industry leaders hear outline of code-drafting procedure made by Hays.

June 12.—M. P. T. O. A. makes declaration for industry unity in code-drafting. Allied States leaves decision on participation in code conferences up to regional units.

June 13.—Congress passes industrial recovery legislation. General Johnson named administrator. M. P. T. O. A. nears completion of first draft of exhibition code for presentation at resumption of code conferences June 15 at M. P. P. D. A.

June 14.—M. P. T. O. A. agrees on first draft of exhibition code drawn by directors. Motion Picture Daily reveals plans for code-drafting machinery for industry promulgated by M. P. P. D. A.

June 15.—Meeting of production, distribution and exhibition representatives at M. P. P. D. A. advances industry's code-drawing activities. Motion Picture Daily presents first trade publication of the complete Industrial Recovery Act passed by Congress and awaiting the President's signature.

June 16.—President Roosevelt signs Industrial Recovery Act, formally making it a Federal law. Allied States reports indecision on code policy, inclining to belief theatres are not engaged in interstate commerce and therefore not within scope of Industrial Recovery Act.

June 17.—Production, distribution code drawing advanced by coordinating committee at meetings at M. P. P. D. A. Motion Picture Daily reveals plans for increasing employment and reopening 4,000 dark houses under code.

June 19.—Motion Picture Daily states standard contract will be included in industry code and exclusive runs probably banned under its provisions. Independent producer-distributors organize as Progressive M. P. Producers and Distributors of America to draw own code.

June 20.—Motion Picture Daily exclusively publishes first drafts of tentative distribution and exhibition codes. Coordinating committees begin work at M. P. P. D. A. Johnson declares trade practice provisions of industry codes will be secondary in importance to wage and working hour provisions, from administration's standpoint.

June 21.—Publication by Motion Picture Daily of first drafts of distribution, exhibition codes protested by distributor committee on grounds drafts are only "tentative" ignoring fact publication so stated the day before. Distribution-exhibition coordinating committees continue work at M. P. P. D. A. Will Hays leaves for the coast to work on production draft.

June 22.—Independent producer-distributors' organization submits basis for industry code highlighted by proposal to divorce exhibition from production and distribution.

June 23.—Independent distributors meet with M. P. P. D. A. on code basis for independents with 38 trade practices cited as "unfair."

June 25.—Allied regionals meet to ponder question whether theatres do or do not come under provisions of NRA.

June 26.—Distributor code sessions at M. P. P. D. A. start lengthy adjournment as annual sales meetings get under way.

June 29.—Academy of M. P. Arts & Sciences declares it will seek to have agreements on talent loans and provisions against reduction of studio employment incorporated in industry code. New York City independent exhibitors organize I. T. O. A. for code work and ask cooperation of T. O. C. C. Independents reported more cordial toward tentative code, following meeting with national sales managers.

July 6.—Hays interviews studio heads individually on code attitudes prior to calling general producers' code meeting in Hollywood.

July 9.—M. P. T. O. A. directors gather in Chicago to make final draft of exhibition code.

July 10.—Joint meetings of independent and affiliated distributors resumed at M. P. P. D. A. offices.

July 12.—Independent distributors meeting at M. P. P. D. A. take up minimum wage, maximum working hour subjects as meeting is told major distributors are surveying exchanges and home offices in effort to determine averages in various employe classifications. M. P. T. O. A. nears final agreement on exhibition code at Chicago meeting. Laboratories organize M. P. Laboratories Association of America with Allan Freedman as president to draw up code.

July 14.—M. P. T. O. A. directors complete final draft of their exhibition code at Chicago calling for 36-hour week. Independent Theatre Supply Dealers set meeting to draw up code at Chicago, July 28.

July 16.—Motion Picture Daily has exclusive publication of exhibition code drawn by M. P. T. O. A. Highlights of the draft are labor proposals asking a 36-hour week, except for office and supervisory staffs, firemen and watchmen, and a 30-cent per hour minimum wage. Trade practice provisions of importance ask use of standard licensing agreement, national appeals board, arbitration, local clearance and zoning boards, cancellations of 15 per cent of contract without payment and bans on double featuring, score charges, exclusive runs and overbuying.

July 17.—M. P. T. O. A. code is submitted to regional units for action. Laboratories Ass'n begins drafting code.

July 19.—Laboratory code's labor provisions provide for a 40-hour week. No agreement reached on minimum wage proposal.

July 20.—A preliminary code draft of production proposals is completed by the Academy of M. P. Arts & Sciences.

July 24.—I. A. T. S. E. canvasses 700 locals on hours and wages for code recommendations.

July 25.—Sol A. Rosenblatt appointed deputy administrator for amusement industry codes by General Hugh S. Johnson. Laboratories Ass'n agrees on tentative code draft. Major companies plan 40-hour week for "white collar" workers.

July 28.—Laboratory code sets $15 minimum wage for office workers and 50 cents per hour for special workers on previously proposed 40-hour week.

July 31.—Rosenblatt receives industry representatives for code conferences in New York. Charles L. O'Reilly, head of T. O. C. C., one of those who conferred. Major distributors resume code work at M. P. P. D. A. as sales meets end. Federation of M. P. Industry agrees on eight basic points for code being drawn by independent producer-distributors at New York mass meeting, most significant of which are proposals for elimination of block booking, buying combines, blind booking, overbuying, interchangeability of playing time and producer-distributor ownership of theatres. Independent Theatre Supply dealers begin drafting code at Chicago.

(*Continued on page* 22)

They Represented Exhibitors

This is the official exhibitor committee which drew up the tentative theatre code at the back-breaking conferences in the Bar Association Building, New York. Their efforts terminated on Aug. 18. Since then, Allied has withdrawn from the deliberations, charging the draft, as drawn, does not protect the independent. With them are allied independent producers and distributors, principally members of the Federation of the M. P. Industry.

Top row, left to right: H. M. Richey, Allied of Michigan; Sidney Samuelson, Allied of New Jersey; Abram F. Myers, general counsel, Allied States; George Skouras, Skouras Theatres, and Gus Metzger, Independent Theatre Owners of Los Angeles.

Second row, left to right: Ed Kuykendall, president, M. P. T. O. A.; James C. Ritter, president, Allied States; Jack Miller, Chicago Exhibitors Ass'n; A. H. Schwartz, Century Circuit, New York; E. A. Schiller, Loew's, Inc.; Joseph Bernhard, general manager, Warner Theatres, and Tom Murray, Motion Picture Theatre Industry of Metropolitan Division.

Seated, left to right: Harold B. Franklin, then with RKO Theatres; M. E. Comerford, Comerford Theatres, Inc.; Charles L. O'Reilly, coordinator for exhibition; Sam Dembow, Jr., Publix Theatres, and Fred Wehrenberg, M. P. T. O. of Eastern Missouri and Southern Illinois.

MPTO Began Work on Code Back in June

We move on, in a changing world, to a new understanding of human rights and human helpfulness.

●

Aloft the Blue Eagle soars, symbol of a common determination by a people that none shall hunger in a land of plenty and, that as Man's genius frees Man from soul-crushing toil, so shall Man forever free himself from the slavery of his own creations . . . that by distribution of wealth we increase wealth, as grains planted in fertile soil bring forth their harvest.

●

By these acts we acknowledge that Man's leisure as well as Man's toil is for the earth's enrichment and that culture, recreation, happiness . . . that books, music, drama, motors, the radio, motion pictures and all that make for a fullness of life are the worthy fruits of his labor.

●

The code of our industry has been signed, an instrument, like all our President's works, aimed for the greatest good of the greatest number.

●

Because ours is an art and industry born of this modern age that does not live by bread alone, it becomes our obligation and privilege to foster the ideals and hopes of NRA and by full-hearted example help bring to fulfillment the great work of reconstruction.

●

To this end, this company pledges its faith and strength.

RKO
Radio
PICTURES

Kent, O'Reilly Were Coordinators

(Continued from page 19)

Aug. 1.—Federation mass meeting closes with basis of code set up. Rosenblatt fails to appear at session. Completed laboratory code ready for submission to Association membership.

Aug. 2.—Rosenblatt sets industry code meeting for Aug. 8 in New York to devise one code for the industry.

Aug. 4.—Committees of major distributors continue code meetings at M. P. P. D. A.

Aug. 7.—Industry leaders converge in New York as official meeting to devise single industry code under Rosenblatt's direction opens. Laboratories Ass'n. approves code after eliminating proposal which would have ended laboratory participation in film company financing.

Aug. 8.—Sidney R. Kent appointed code coordinator for production and distribution, and O'Reilly coordinator for exhibition by Rosenblatt at industry code meeting in New York, with committees named to draw up production, distribution and exhibition codes in one week. Rosenblatt pledges "a square deal" to all interests, large and small, at meeting attended by imposing assemblage of industry leaders. Code drafting committees go into session immediately. Rosenblatt approves labor provisions of laboratory code.

Aug. 9.—Exhibition code committee reaches agreement on 12 code proposals which Coordinator O'Reilly declines to name. Double featuring, score charges, picture cancellations and designated play dates identified early as stumbling blocks to committee. Production code committee makes rapid progress, but distribution committee strikes snag in double featuring and other controversial subjects.

Aug. 10.—Exhibition committee agrees "in principle" on open market buying and clearance. Joint meetings of distributors and exhibitors begun to coordinate subjects agreed on.

Aug. 11.—Kent announces production code will be completed by night. Distributor-exhibitor coordinating sessions continue.

Aug. 12.—Formal draft of completed production code begun. Kent predicts all three drafts will be ready in 24 hours.

Aug. 14.—Exhibitor-distributor coordinating committtees in disagreement as one-week deadline set by Rosenblatt approaches.

Aug. 15.—Code deadline extended as exhibitor-distributor coordinating lags. Double featuring and "right to buy" identified as stumbling blocks.

Aug. 16.—National appeals board agreed on for code content as exhibition and distribution coordinating progresses.

Aug. 17.—Code committees' patience taxed. Coordinator O'Reilly demands speed on complete draft with unsettled topics to be left for code hearings at Washington.

Aug. 18.—Exhibition code reported 90 per cent complete as sessions drag on. Studio labor code ready for drafting.

Aug. 19.—Code committees still at odds on important issues such as double featuring, cancellations, score charges and right to buy. Independents marshal forces to fight code ban on double featuring.

Aug. 21.—Washington demands industry code by midnight tonight. Laboratory code submitted to Washington and public hearing set for Aug. 31. Screen Writers' Guild form own code in Hollywood, opposing salary reductions and producers' proposed anti-raiding pact.

Aug. 22.—Committees of distributors and exhibitors prepare to submit incompleted codes to Washington as final deadline nears. Controversial issues to be left for settlement at public hearings.

Aug. 23.—Incomplete codes with lists of "exceptions" filed separately by distribution and exhibition committees at Washington. Action leaves important subjects such as double featuring, cancellations, elimination of score charges, right to buy and designated play dates for settlement at public hearings in Capital, Sept. 12, date set by Rosenblatt. MOTION PICTURE DAILY goes to special 24-page edition to publish complete text and exceptions on distribution and exhibition codes and complete text of laboratory code.

Aug. 24.—Open market film buying regarded as major aim of exhibitors through code.

Aug. 25.—Public hearings on code at Washington expected to require three or four days. Academy of M. P. Arts and Sciences generally approves producer code but will fight Articles 9 and 10, the former seeking to eliminate star raids and the latter, restricting agency operation in Hollywood.

Aug. 26.—Code settlement seen as deciding fate of buying combines.

Aug. 27.—Actors Equity Ass'n voices opposition to working conditions proposed in producers' and exhibitors' code and probably will fight.

Aug. 28.—Rosenblatt begins preliminary coordination of industry code in Washington.

Aug. 29.—Industry speculates on acceptability to Administration of exhibition code's labor proposals asking a 52-hour week and 25 cents per hour.

Aug. 30.—I. T. O. A. calls code mass meeting for New York Sept. 5. Laboratory industry gathered in Washington for code hearings. Inquiries on exhibition code from all over country flow into O'Reilly's office. Hollywood extras protest producers' code. Fear salary cuts. "Disgruntled few" blamed.

Aug. 31.—Laboratory employes seek changes in code's labor proposals at hearings before Rosenblatt in Washington. Extras vote to submit own code.

Sept. 1.—Agreement reached on laboratory code increasing employment 15 per cent and wages 12 per cent. Code passed on to General Johnson. Allied States prepares to file brief on code exceptions at public hearings. Independent distributors carry fight against elimination of double features by code to exhibitors, seeking their proxies for presentation at Washington hearings.

Sept. 2.—M. P. T. O. A., Allied States and I. T. O. A. plan Washington meetings, Sept. 10 and 11 to plan briefs for filing at code hearings.

Sept. 5.—Star-chamber session of Atlantic seaboard independent exhibitors in New York makes plans for brief to be filed at code hearings. Actors, directors and agents turn guns on raiding clause, and agency restrictive clauses in producer code. Extras drop own code plans; to clear objectives through Academy.

Sept. 6.—Countrywide protest against dual ban grows.

Sept. 7.—Rosenblatt and O'Reilly confer in Washington on labor provisions of both production and exhibition codes. Actors' Betterment Ass'n affiliates with A. F. of L. and will make own code plea for vaudevillians. New deal for extras would increase cost to major producers by 2.8 per cent; to independents by 2.1 per cent.

Sept. 8.—Rosenblatt deluged with requests for right to be heard on code at Washington, as hearing date approaches and vanguard of 250 industry representatives prepare to leave for Capital.

Sept. 10.—Allied leads movement to join with other independents and rush formulation of new code for presentation at Tuesday hearings in Washington.

Sept. 11.—Three spokesmen named to represent independents at code hearings tomorrow. The M. P. T. O. A. agrees upon zoning boards and the Hays group decides upon procedure at the hearings.

Sept. 12.—Public hearings on code open in Washington. No "open shop" will be permitted, Deputy Administrator Rosenblatt declares in opening announcement. William C. Elliott, president of I.A.T.S.E., asks for code clause requiring operator for every projection machine in America, in addressing hearing. Frank Gillmore, president of Actors' Equity, charges Academy of M. P. Arts & Sciences is a "company union" in objecting to identification of Academy in code discussions as the actors' body. Chorus girls get sympathy of code hearing audience after speech by Mrs. Dorothy Bryant, executive secretary Chorus Equity Ass'n, who stated some chorines were required to work 86 hours a week and many received only $25 per week.

Sept. 13.—"Closed-door" sessions of industry factions get under way in attempts to iron out code differences. Exhibitor's committee meets with theatre labor committee in what was regarded as most difficult session on reconciling of divergent viewpoints. In closing hours of day's hearing,

Allied Leaders Who Led Insurgent Movement

ABRAM F. MYERS
Washington

H. M. RICHEY
Michigan

H. A. COLE
Texas

SIDNEY SAMUELSON
New Jersey

W. A. STEFFES
Minnesota

NATHAN YAMINS
New England

Did Real Job Behind Closed Doors

M.P.T.O.A.'s program, involving labor proposals and 12 trade practice clauses, is presented by Ed. Kuykendall, president. He asks for "careful study" of labor provisions; recommends exhibition code's right to buy clause; standard contract; 15 per cent cancellations; banning of score charges, designated play dates and non-theatrical competition; endorsement of advertising code of ethics, banning of double features by 60 per cent vote of exhibitors in local situations; endorsement of arbitration, clearance and zoning and national control board, and banning of sales of shorts in conjunction with features.

Allied States presents its program through Abram F. Myers, general counsel, championing right to buy; rejection of, without paying for, pictures which an exhibitor cannot use; banning of distributor interference with individual theatre policy in any way; prohibiting discrimination against independent exhibitors in film selling, and provision for settlement of industry disputes by government representatives in instances where they cannot be settled by disputing exhibitors and distributors.

A. Julian Brylawski, Washington exhibitor, replies to Elliott's request for operator for every machine with declaration operators now employed work only 10 minutes of every hour. Rosenblatt besieged with recommendations from numerous industry and allied organizations for posts for representation on the code authority. Robert Wilby, southern exhibitor, halted by Rosenblatt in address attacking operators' unions for ruling by intimidation, dynamiting and stench-bombing. Joseph Varbalow, Camden, N. J., exhibitor, charges master contracts permitting circuits wide selectivity of product tend to stifle independent competition by denying it discarded pictures. William Green, president of A. F. of L., endorses unrestricted double featuring.

Sept. 14.—Predicting code accord, Deputy Rosenblatt brings public hearings to close and industry groups adjourn to private meetings in final effort to compose differences. Closing hours of hearings highlighted by Sidney R. Kent's address on behalf of major producer-distributors in which he states many proposals in exhibition code would cut their revenue to a point they could not stand. He opposes right to buy as defined in exhibition code; called cancellation clause offered by distributors "fair"; defends score charges and designated play dates. Universal and Columbia create a stir by taking stand apart from the M.P.P.D.A. member companies on unrestricted double featuring, with R. H. Cochrane declaring 14½ per cent of Universal's revenue comes from double bills, and Jack Cohn declaring Columbia might have to cut production schedules if duals were eliminated, with consequent reduction of employment.

Rosenblatt asks for definite examples supporting contention right to buy would increase distribution revenues. B. B. Kahane, RKO studio head, charges "chiseling" agents in Hollywood threaten production with ruination by creating dissatisfaction among actors, directors and writers by offering promises of greatly increased salaries to those already under contract.

Sept. 15.—First full day of private conferences on code proposals continues disagreement between exhibitor and labor committees on Elliott's proposal for an operator for every machine. Southeastern exhibitors are prepared to ask for labor scales in code below those to prevail for other sections of country on basis of lower living costs in their section. Estimates indicate producers' 40-hour wage scale for 36 hours work for studio crafts may add between $2,700,000 and $3,000,000 annually to Hollywood payrolls. A 44-hour week for theatre employes in place of 52-hours proposed is indicated as conferences advance. With completion of coal code, relieving General Hugh S. Johnson and President Roosevelt of their principal code concern for a number of weeks, new progress on film code is looked for. Newsreel men ask for 24-hour holiday every week.

Sept. 16-17—Code-drafting activities come to sudden and unexpected halt late Saturday, Sept. 16, in order, according to Deputy Rosenblatt's explanation, to permit production and distribution executives to obtain full authority on final action in Washington on whatever code issues arise. MOTION PICTURE DAILY hears instructions as to a general business attitude designed for major companies were given by a figure so high in the Administration that it became necessary for executives to return to New York to discuss new development with presidents and boards of directors.

Definite information develops the standard licensing agreement will be included in code.

Sept. 18.—Deputy Rosenblatt approves Article 7 of tentative code which makes it an unfair trade practice for distributors to force high film rentals by means of threats to build or acquire theatres. Heads of all major companies meet at M.P.P.D.A. offices in New York to discuss code developments at Washington which caused Saturday recess. Disclosed Rosenblatt engaged in film code discussion with President Roosevelt on Friday, but deputy denies anything transpired which caused adjournment, stating executives were sent back to re-vamp certain code clauses. Labor proposals for studio employes make rapid advancement, while theatre labor provisions continue to show little progress.

Sept. 19.—MOTION PICTURE DAILY gives first indication to industry that an Administration interest in salaries had been voiced at Washington and resulted in adjournment to New York to discuss methods of controlling salaries or fixing maximum pay figures. Indications are part of code may be retroactive. Approval of code ban on unauthorized holdovers, switches and bicycling regarded as certain.

Sept. 20.—If certain exhibitor proposals are included in code and in view of increased labor costs, particularly in production, major companies may ask Government to set up machinery for guaranteeing them even break on picture costs, MOTION PICTURE DAILY learns. Further evidence that definite viewpoint on industry affairs and code proposals have been voiced in high Administration quarters revealed by MOTION PICTURE DAILY. Deputy Rosenblatt states no final decision on premium give-aways by theatres has been made.

Sept. 21.—Precedent for major companies to request government guarantee on recovery of picture costs under code seen in oil industry's code provision authorizing government to fix prices from well to consumer and proposal in the retailers' code that no sales be made at less than market cost, plus percentage to cover cost of operation. Industry leaders again leave New York for Washington to resume conferences. Defense of the Ross Federal Service's checking system prepared by Louis Nizer, attorney, is seen to have saved system from extinction by resulting in denying of code proposals by Deputy Rosenblatt which would have prohibited checkers from working for more than one distributor at a time.

Sept. 22.—Deputy Rosenblatt resumes code conferences. Production and distribution executives meet during day and exhibition group makes further progress, although failing to agree as yet on such much-discussed proposals as right to buy, double features, compulsory block booking and score charges. Further meetings with Rosenblatt scheduled to continue over week end.

Sept. 23-24.—Indications are wide powers of code administration will be delegated to local zoning and arbitration boards as result of the increasing recognition by Deputy Rosenblatt of difficulties of drafting code universally satisfactory to all industry elements. Development is in line with tenor of first tentative drafts of distribution and exhibition codes drawn by M.P.P.D.A. members and exclusively published in MOTION PICTURE DAILY June 21.

Increased costs in all industry branches under code admitted by Rosenblatt. M.P.P.D.A. members continue Washington sessions redrafting and revising clauses. Independent exhibitor leaders discuss advisability of new organization, also embracing independent producers and distributors, in event code provisions are not to their liking, object of organization being of a united front in opposing clauses deemed detrimental to independent interests.

Sept. 25.—Indications that Rosenblatt may undertake writing of industry code himself increase as industry factions continue to wrangle without reconciling their differences. Distributors express approval of vesting local zoning and arbitration boards with wide powers. Rosenblatt denies reports code contemplates setting up board to control industry salaries. Exhibition group asks authorization of 44-hour week for operators, as opposed to I.A.T.S.E. proposal of 36. Increased labor cost to industry will be $9,000,000 annually under code, one estimate predicts.

Sept. 26.—Deputy Rosenblatt reported to have passed word along to codifiers control of star salaries and authorization of right to buy must go into code or clauses covering those subjects will be written for codifiers. Exhibition and labor committees still at odds on code provisions. Overseating reported due for consideration by codifiers with possible regulation in draft. Academy files brief with Rosenblatt protesting against code proposals which would restrict earning powers of stars and declaring for freedom of open bidding for personal services. Conferences adjourn till Oct. 4 because of Jewish holidays, with majority of codifiers returning to New York.

Sept. 27.—First draft of industry code expected to be completed Oct. 2. Deputy Rosenblatt reported to have heard all arguments, pro and con, on major issues which remain to be settled, clearing way for early preparation of first code draft. M.P.P.D.A. members continue code meetings in New York.

Sept. 28.—Deputy Rosenblatt again denies talk of star salary-fixing through code, terming reports that subject had been up for discussion "thoroughly ridiculous" and "inspired propaganda," adding he knows "who is responsible" for them. Allied, through Abram F. Myers, general counsel, preparing list of violences committed in theatres since 1920, traceable to labor difficulties, for presentation to Rosenblatt.

Sept. 29.—Distributors under leadership of Sidney R. Kent prepared to demand right to sell own product to their own or affiliated theatres regardless of what probable code provision on right to buy stipulates, it is learned.

Sept. 30-*Oct.* 1.—Executive council of A. F. of L. submits report highlighted by petition for a 30-hour week at wage levels sufficient to maintain prevailing scales. Distributors take stand if double featuring is to be left by the code to be determined by individual exhibitor policy, same freedom to determine their own policy on the subject should be granted distributors. In

(*Continued on page 27*)

Tried Three Times

On Sept. 25, it became practically certain Deputy Administrator Sol A. Rosenblatt would write the industry code.

On October 4, the promise became a fact when the first NRA draft was completed and made public.

Thereafter, there were two revised drafts, the second on October 10 and the third on October 17.

Legal Hurdles

One of the principal reasons, perhaps the chief one, for the lapse between completion of the third NRA code draft and ultimate signing by the President is generally attributed to legal interpretation of various clauses particularly the cash penalty clause imposed upon employers for encouraging "unconscionable salaries."

Now that it's signed

Here's some Recovery Action. FOX manpower ready . . . as usual . . . with six releases . . . brimming with box-office . . . brilliant with stars . . . sparkling with entertainment. Swell samples of the consistent hits FOX has been turning out...month after month. Lead the upswing in your town . . . under the FOX banner.

• *A million red-blooded Americans have read and thrilled to the adventures of "Smoky"... a four-hoofed fury to his enemies ... but the most loyal friend man ever knew ... bringing romance to a pair of lovers.*

WILL JAMES'

SMOKY

VICTOR JORY
IRENE BENTLEY
WILL JAMES

Directed by Eugene Forde

Released December 8

• *Teaming Will and ZaSu as an auto-caravaning couple with their brood...on the highways, in the auto camps of the U.S.A. A carload of romance and homespun humor.*

WILL ROGERS

as

MR. SKITCH

with

ZASU PITTS

Rochelle Hudson, Florence Desmond, Harry Green
Eugene Pallette

Based on the story "Green Dice" by Anne Cameron

Directed by James Cruze

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JOIN THE UPSWING WITH FOX

....LET'S GO!

• *Lilian Harvey at her captivating best... 3 sensational revue numbers ...gorgeous girls... ecstatic romance ... 3 smash songs... plus a unique surprise in the Teatro dei Piccoli puppets, an audience sensation.*

I AM SUZANNE!

with

LILIAN HARVEY

GENE RAYMOND
LESLIE BANKS

Podrecca's Piccoli Marionettes

Directed by Rowland V. Lee

Jesse L. Lasky production

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• *Snappy story of a p. a. and his s. a. girl friend. Loads of merry excitement... with song numbers that are red-hot numbers.*

JIMMY AND SALLY

with

JAMES DUNN
CLAIRE TREVOR

Music: Jay Gorney Lyrics: Sidney Clare

Directed by James Tinling

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• *The one and only Clara in a sizzling performance alive with drama and romance. How that Brooklyn Bonfire burns the film.*

CLARA BOW

in

HOOPLA

with

Preston Foster, Richard Cromwell,
Herbert Mundin, James Gleason,
Minna Gombell

From the play "The Barker" by John Kenyon Nicholson.
Stage play produced by Charles L. Wagner.

Directed by Frank Lloyd

Al Rockett production

Released November 30

• *Delightful romantic comedy by the author of "When Ladies Meet." A wife who took a fling in Europe... met her Paris playmate in Dubuque... and tried to explain to hubby.*

AS HUSBANDS GO

with

WARNER BAXTER

HELEN VINSON
WARNER OLAND
Catharine Doucet

From Rachel Crothers' stage hit

Directed by Hamilton MacFadden

Jesse L. Lasky production

Released December 29

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CLARA BOW

in

HOOPLA

with

PRESTON FOSTER
RICHARD CROMWELL
HERBERT MUNDIN · JAMES GLEASON · MINNA GOMBELL

From the play "The Barker" by John Kenyon Nicholson
Stage play produced by Charles L. Wagner

Al Rockett Production

Directed by FRANK LLOYD

Your patrons always like **FOX MOVIETONE NEWS**

Join the upswing with **FOX**

Final Stages Marked by Delays

(Continued from page 23)

other words, they suggest they be given the right to decide whether or not it is advisable for them to sell or refuse to sell product to double featuring houses.

Oct. 2.—Code clauses relating to agents' activities and to star raiding remain uncompleted as codifiers prepare to resume conferences. W. Ray Johnston, Monogram Pictures president, continues fight for unrestricted double featuring.

Oct. 3.—Film code-drafting resembles progress of oil code to point that internal elements in both industries reveal inability to provide draft agreeable to all, strengthening indications final code for films will come from NRA itself, rather than industry codifiers. MOTION PICTURE DAILY learns exclusively Rosenblatt has already completed first draft, embodying set-up of the code authority, which will be given out to codifying groups on resumption of sessions tomorrow. Set-up of code authority includes Sidney R. Kent, Nicholas M. Schenck, Harry M. Warner, R. H. Cochrane, George J. Schaefer, Al Lichtman, Charles L. O'Reilly, Ed Kuykendall, M. E. Comerford, W. Ray Johnston and two additional independent representatives, still undecided.

Oct. 4.—First draft of industry's code delivered by Deputy Rosenblatt as codifiers reconvene at Washington, confirming MOTION PICTURE DAILY'S exclusive story of the day before. Code authority, however, not contained in draft, and will not be revealed until code has been signed by President Roosevelt, Rosenblatt says.

Oct. 5.—Independent factions, represented by Federation of M. P. Industry, Independent M. P. Producers and Distributors Ass'n., Allied States, I.T.O.A. and T.O.C.C., advise Deputy Rosenblatt they are withdrawing from code deliberations due to dissatisfaction over first code draft. Rosenblatt declares nonsigners will have none of its benefits, may file no complaints against others with grievance boards but may have complaints filed against them by code signers.

Oct. 6.—Discussions of proposals contained in first draft continue with indications no vital changes to be made in complete code expected by Oct. 11. Independent insurgent group relents and meets again with Rosenblatt to discuss first draft.

Oct. 7-8.—Indications are Administration views salaries up to $2,000 weekly permissible if recipients deliver.

Oct. 9.—Doubtful legality of fixing maximum salaries believed to be shunting proposal away from code.

Oct. 10.—Rosenblatt issues second draft of code, described as "85 per cent complete," in which no mention is made of star salary regulation; believed to indicate subject has been dropped from further consideration on inclusion in code.

Oct. 11.—Dissatisfaction over code provisions continues in several quarters, threatening to delay final and complete draft. Abram F. Myers doubts Allied will be ignored by Rosenblatt on sought-after, last minute changes. Lengthy M.P.T.O.A. meeting ends with decision against signing code in present form.

Oct. 12.—Split within Hays organization over code provisions, which grew out of differing viewpoints of Universal, Columbia and United Artists on double features, tying in shorts with feature sales and salary control proposals, revealed as having been averted. Universal and Columbia opposed to duals and tie-ins, U. A. opposed to salary control; with all other Haysites favoring these proposals. Personnel of code authority reduced to 10 instead of 12 industry representatives and three government representatives, latter without vote.

Oct. 13.—Indicating salary control provisions in code not entirely dead, new draft of Article 10 provides for fines up to $10,000 for those paying "unreasonably excessive" salaries.

Oct. 14-15.—Proposal to regulate excessive salaries by fines on employers, although not yet approved, regarded as legal procedure by Deputy Rosenblatt.

Oct. 16.—Rosenblatt declares final 15 per cent of code proving "troublesome" and many changes in prospect.

Oct. 17.—Third draft of completed code shaping rapidly. Few changes expected. Administrator Johnson expresses doubt over legality of any salary-fixing proposal in code.

Oct. 18.—Indications at Washington are that code points under dispute will be settled by week-end. Actors' Guild sends new wire protesting Article 5 to U. S. Senator Wagner and William Green, president American Federation of Labor.

Oct. 19.—Deputy Rosenblatt halts report on code being prepared for Administrator Johnson in order to hear further protests of independent factions represented by members of Federation of M. P. Industry and Allied States.

Oct. 20.—Deputy Rosenblatt discusses legality and enforceability of various code proposals with Department of Justice. M. P. T. O. A. reported to have petitioned NRA for further changes in code.

Oct. 21-22.—Major companies in New York reported holding back code signatures for formal announcement of code authority make-up. Deputy Rosenblatt resumes work on his code report preparatory to submitting it to Administrator Johnson.

Oct. 23.—Deputy Rosenblatt reveals that charges have been made to NRA that protests against code wired to Washington were "faked" and bore fictitious signatures in some instances. Indicates matter will be referred to Administrator Johnson and Department of Justice. Joseph M. Schenck and Samuel Goldwyn resign from Hollywood M. P. Producers Ass'n. over opposing views on Article 5.

Oct. 24.—Consumers Advisory Board at Washington approves code. Deputy Rosenblatt reported ready to submit pact to Administrator Johnson soon. Allied States Chicago mass meeting votes to take code objections direct to President.

Oct. 25.—New York hears President is ready to sign code. Report is unconfirmed at Washington where pact is said not to have been delivered to White House yet. Allied States sees organization strengthened by its Chicago attack on Deputy Rosenblatt and code procedure.

Oct. 26.—Illness of Deputy Rosenblatt reported to have held up further progress of code; holding it back from Administrator Johnson and White House.

Oct. 27.—Code delivered to General Johnson but unnamed, new objections halt its progress to White House for President's signature, Washington hears. All major companies with exception of United Artists sign code.

Oct. 28-29.—Major distributors indicate they will accord all benefits granted exhibitors by code to those who have already signed new season contracts, although code is not to be retroactive.

Oct. 30.—Deputy Rosenblatt scores "selfish" exhibitor interests attacking code in address to Southeastern Exhibitors Ass'n. at Atlanta meeting.

Oct. 31.—Allied leaders summoned by Administrator Johnson for hearing on code objections.

Nov. 1.—New delay in delivery of code to White House for President's signature develops as Administrator Johnson turns pact over to Col. W. R. Lea, his executive adviser, for study.

Nov. 2.—M.P.P.D.A. signs code. NRA seen prepared to enforce any provisions of code to curb excessive salaries by utilizing salary data being collected by Federal Trade Commission.

Nov. 3.—Administrator Johnson completes his report on code, giving rise to belief it may be delivered to White House tomorrow, prior to Johnson's departure on 10-day speaking tour. Independent exhibitor, distributor and producer leaders in New York reveal disposition to end opposition to code and give pact "working chance."

Nov. 4-5.—Reports of Administrator Johnson and Col. Lea on code believed ready for submission to White House within next few days. Deputy Rosenblatt cleared of charges of mishandling of film code, made by Allied States at Chicago mass meeting, following investigation by General Johnson.

Nov. 6-7.—New delays in readying code for President's signature arise as Col. Lea reveals he is seeking "further data on certain clauses."

Nov. 8. — Washington sees no Presidential signature for code until Chief Executive goes to Warm Springs, Ga., for rest, after Nov. 17 Lester Cowan and Major Nathan Levinson resign Academy posts as result of code discord within organization.

Nov. 9. — Washington learns no code action likely before return to Washington of General Johnson; further substantiating belief that President's signature will not be affixed until Warm Springs, Ga., trip.

Nov. 10.—New code delay reported over reduction of wage classifications in production section from 58 to four.

Nov. 11-12.—New York executives discount report that revision of production labor classifications holds up code.

Nov. 13.—Washington learns decision on reducing unskilled labor groups to four classifications being left up to Administrator Johnson.

Nov. 14.—M. P. DAILY learns that Article 5, designed to end secret negotiations for star services, may be dropped from code.

Nov. 15.—Allied States proposes rewriting of code by "really big man."

Nov. 16.—M.P.T.O.A. code analysis reveals all but three of 37 of organization's original code proposals for exhibition have been incorporated in NRA draft either in whole or in part. Only two major proposals, control of double featuring and banning of score charges, missing from draft.

Nov. 17.—Administrator Johnson declares he's "not yet satisfied" with code; but fails to give reasons.

Nov. 18-19.—Joseph M. Schenck, arriving in New York, scores Article 5; saying it "demoralizes" industry; calls code "temporary."

Nov. 20.—Washington hears President will receive code at Warm Springs, Ga., Nov. 24. Administrator Johnson to take pact with him on visit to "little White House." Joseph M. Schenck leaves New York for Warm Springs to confer with President on code.

Nov. 21.—Administrator Johnson declares code now in form in which he is "willing to recommend it." Report code not to figure in discussion with either Schenck or Eddie Cantor at "little White House."

Nov. 22.—Code will create 25,000 jobs, Deputy Rosenblatt tells meeting of M.P.T.O. of Wisconsin. Cantor confers with President.

Nov. 23.—Administrator Johnson departs for Georgia taking code with him for President's signature. Iowa-Nebraska exhibitors unit to retain Lester Martin despite Allied ouster.

Nov. 24.—Administrator Johnson arrives in Warm Springs and confers with President. Code signature expected momentarily. Ed Kuykendall, M.P.T.O.A. president, predicts theatre labor peace as result of code provisions, in address to St. Louis exhibitor unit.

Nov. 25-26.—Administrator Johnson still with President at Warm Springs, with both "little White House" there and Washington still unadvised of code signing.

Nov. 27.—Code signed by President Roosevelt. Eddie Cantor, Marie Dressler and Dr. A. Lawrence Lowell, former president of Harvard, and active worker for M. P. Research Council, named to code authority by President. Writers and dramatists exempted from salary provisions of code for trial period.

Nov. 28.—Personnel of code authority announced by General Johnson at Atlanta on way to Washington from Warm Springs.

Nov. 29.—Final text of code released officially by General Johnson in Washington.

THREE IN ALL IN THE

STEP OUT WITH UNIVERSAL

A ROW DOUGH

ONLY YESTERDAY

The INVISIBLE MAN

COUNSELLOR AT LAW

!!!

Cancellation and Contract Terms

(*Continued from page* 18)

ture. In such cases the said Local Board shall proceed to determine the matter upon forty-eight (48) hours' notice if the Distributor so desires.

(c)—If the said Local Board shall sustain the claim of the Exhibitor:

(1) the Distributor shall have the right to designate for the same day or dates another motion picture licensed upon a percentage basis, upon the same or similar terms as the motion picture in question, if there be one licensed; and to designate the motion picture objected to for a later date or dates but upon another day or other days of the week; and (2) the award of the said Local Board shall not be deemed to apply to any other theatre in the same or any other location.

(d)—Where because of a proceeding before a Local Grievance Board, or because of an award of such Local Board, it shall be impractical to serve subsequent-run Exhibitors in compliance with any notice of availability or confirmed play dates given any such subsequent-run Exhibitors, the Distributor shall have the right to change such play dates.

Part 10.—No Distributor shall refuse to deliver to any Exhibitor any feature motion picture licensed under an exhibition contract therefor because of such Exhibitor's default in the performance of any exhibition contract licensing the exhibition of short subjects of such Distributor, **or vice versa,** provided such Exhibitor has agreed to arbi trate all claims and controversies arising under all existing Optional Standard License Agreements between them.

Part 11.—

(a) If any Exhibitor has contracted to exhibit more than fifty percent (50%) of the total number of motion pictures announced for release during any given season by a Distributor and such Distributor shall during such season generally release any feature motion picture in addition to the number so announced, such Distributor shall first offer to the Exhibitor for license such additional motion pictures for exhibition at the Exhibitor's theatre, provided that at the time of such offer such Exhibitor shall have duly performed all the terms and conditions of all existing exhibition contracts between such Exhibitor and Distributor and is not in default thereunder.

(b)—In cases where two Exhibitors have each contracted to exhibit, respectively, an equal division (i.e., 50%) of the number of motion pictures announced for release by a Distributor during any given season, and the Distributor shall generally release during such season any feature motion picture in addition to the number so announced, such Distributor shall first offer such additional motion picture for license to one of such Exhibitors, in the discretion of the Distributor, provided that at the time of such offer such Exhibitor shall have duly performed all the terms and conditions of all existing exhibition contracts between such Exhibitor and Distributor and is not in default thereunder.

Part 12.—In each territory wherein any Distributor maintains an exchange, such Distributor shall abide by the regulations promulgated by the Code Authority for the prevention of fire, for the holding of fire drills, and rigid monthly inspections, the inspection of prints, the storing of inflammable material, the maintenance and testing of sprinkler systems and fire extinguishers, the avoidance of smoking and other cautions, methods and devices to protect the lives of employees and the public and to insure safety against fire hazards.

E.—Exhibitors.

Part 1.—Any Exhibitor entering into a contract for the exhibition of motion pictures which permits the Exhibitor to select from the total number of pictures licensed less than eighty-five percent (85%) of the total number, and to reject the remainder, shall by written notice to the Distributor reject each of such motion pictures not to exceed the number which may be rejected, within twenty-one (21) days after its date of availability in the exchange territory wherein is located the Exhibitor's theatre, and upon the Exhibitor's failing to give such notice of rejection, each of such pictures shall be deemed to have been selected.

Part 2.—No Exhibitor shall contract for a license to exhibit more motion pictures than such Exhibitor reasonably shall require for exhibition in any theatre or theatres operated by such Exhibitor, with the intent or effect of depriving a competing Exhibitor from contracting to exhibit such excess number of motion pictures, provided, however, that nothing herein contained shall be deemed to prohibit any Exhibitor from contracting for a reasonable number of motion pictures in excess of the number which are actually to be exhibited in the theatre or theatres of such Exhibitor in order to reasonably protect such Exhibitor against non-delivery of motion pictures.

Part 3.—

Section 1.—No Exhibitor shall (a) lower the admission prices publicly announced or advertised for his theatre by giving rebates in the form of lotteries, prizes, reduced script books, coupons, throw-away tickets, or by two-for-one admissions, or by other methods or devices of similar nature which directly or indirectly lower or tend to lower such announced admission prices and which are unfair to competing Exhibitors, or which deceive the public; or (b) fail at all times to maintain the minimum price of admission specified in any contract licensing the exhibition of any motion picture during the exhibition thereof. This Section shall not be deemed to prohibit Exhibitors from reducing or increasing their admission scales as they see fit, except as may be prohibited by exhibition contracts.

Section 2.—The giving of rebates such as premiums in the form of gifts or other things of value shall be deemed to be included within the provisions of Section 1 of this ARTICLE in those areas as shall be defined by each local Clearance and Grievance board, where the Exhibitors operating not less than seventy-five percent (75%) of the number of the then actively and continuously operated theatres not affiliated with Distributors or Producers and the Exhibitors operating not less than seventy-five percent (75%) of the number of the then actively and continuously operated theatres affiliated with Distributors or Producers have both declared in writing that the giving of rebates in such form shall not be permitted. For the purpose of such declaration each Exhibitor shall be entitled to one vote for each theatre then actively and continuously operated by such Exhibitor.

Section 3.—In case any Exhibitor is found after notice and hearing by a Local Grievance Board provided for in this Code, to have violated any provision of this PART, and if such Local Board shall on account thereof declare that such Exhibitor shall not be permitted to license the exhibition of any motion picture unless the Exhibitor ceases and desists from such violation, the Local Grievance Board shall have power to direct that Distributors of motion pictures shall refuse to enter into license contracts for the exhibition of their respective motion pictures by such Exhibitor and shall refuse to make further deliveries of motion pictures to such Exhibitor under existing license agreements executed after the effective date of this Code if the Exhibitor fails or refuses to so cease and desist.

Section 4.—Notwithstonding any action which may be taken by the Exhibitors in any area as above in this Part 3 defined, ruling out the giving of rebates as defined in Section 1 hereof, such ruling shall not become effective until ninety (90) days after such action on the part of such Exhibitors as aforesaid.

Part 4.—No Exhibitor shall transfer the ownership or possession of a theatre or theatres operated by any such Exhibitor for the purpose of avoiding uncompleted contracts for the exhibition of motion pictures at such theatre or theatres. Any disputes or controversies with respect to any transfer shall be submitted to and determined by a Local Grievance Board, and the findings of such Board shall be binding upon all parties concerned.

Part 5.—

(a)—No Exhibitor licensed to exhibit a motion picture subsequent to its exhibition by another Exhibitor having the right to a prior run thereof shall advertise such motion picture by any means of advertising prior to or during its exhibition by such other Exhibitor.

(b)—Notwithstanding anything herein contained, in the event any Exhibitor shall make complaint that the restrictions embraced in this PART work an unfair hardship on him, the Local Grievance Board shall have the right to hear such complaint and after determination of the facts presented shall fix and specify the time limit within which such Exhibitor may advertise such motion picture; provided, however, that should the subsequent-run Exhibitor be granted permission to advertise before the completion of said prior run, he shall not advertise prior to the commencement of said prior run, nor shall he have the right to advertise in any way, shape, manner or form, or issue any statement that the prices of admission are or will be less than the admission prices charged by the Exhibitor having the first or prior run of such motion picture; provided further, however, that such subsequent-run Exhibitor may be granted the right in cases where the run of such Exhibitor follows the prior run in or within a period of seven (7) days, to advertise upon the screen of the Exhibitor or to distribute within the Exhibitor's theatre a printed program or mail such printed program to a list of regular patrons, such programs to be limited to announcement of the motion picture which wil be there exhibited during the period of not more than seven (7) days immediately following.

(c)—Nothing herein contained shall be deemed to prohibit any Exhibitor from advertising generally all of the feature motion pictures licensed for exhibition by such Exhibitor as a group, but such general advertising shall not refer to any one of such motion pictures at any time prior to its exhibition by any other Exhibitor having the first or immediately prior run thereof excepting as hereinabove provided.

Part 6.—To prevent disturbance of the continued possession of a theatre by an Exhibitor, it shall be an unfair trade practice for any person engaged in the motion picture industry knowingly and intentionally, directly or indirectly, to interfere with pending negotiations between such Exhibitor and any other party pertaining to or affecting the possession, operation or occupancy of any such theatre then actually operated by such theatre thegleftheCSHRDLUPUPUU such Exhibitor, or in respect of any modification, renewal or extension of any agreement affecting the same, for the purpose of preventing the consummation of such negotiations so as to deprive such Exhibitor of the continued operation, possession, or occupancy of such theatre.

Part 7.—No Exhibitor shall exhibit a motion picture previous to dawn of the first licensed and booked day of exhibition without securing express written permission therefor under the license agreement.

F.—Distributors-Exhibitors.

Part 1.—The so-called Optional Standard License Agreement (1933) negotiated by Exhibitors and now being used by a large number of Distributors shall be the form of license contract to be used by Distributors for licensing the exhibition of motion pictures, unless the parties mutually agree that a different form be used, and excepting that in case any condition or provision thereof is in conflict or inconsistent with any provision of this Code, such condition or provision of said Optional Standard License Agreement shall be deemed amended to conform with such provision of this Code, it being the intention that the provisions of this Code shall govern. Individual Distributor sales policy provisions may be inserted in the Schedule of such form but shall not be contradictory of any provisions thereof.

Part 2.—

(a)—The arbitration of all disputes between Exhibitors and Distributors arising under any exhibition contract, if the parties shall agree on arbitration, shall be in accordance with the optional arbitration clause of the so-called Optional Standard License Agreement, provided for in this Code, except as the provisions of such clause may be modified by the provisions of this Code.

(b)—By stipulation of the parties to any dispute growing out of an exhibition contract, the number of arbitrators to be appointed by each party may be reduced to one, with power in the two thus appointed, if they cannot agree upon an award, to appoint an umpire as provided in said optional arbitration clause.

Part 3.—No Exhibitor or Distributor shall induce or seek to induce the breach of any subsisting contract licensing the exhibition of motion pictures.

Part 4.—No Exhibitor or Distributor shall give any gratuity or make any offer of any gratuity for the purpose of procuring advantages that would not otherwise be procurable, or as an inducement to influence a Distributor or Exhibitor, or representative of either not to deal with any competing or other Exhibitors, or Distributors.

Part 5.—No Exhibitor or Distributor shall make any disclosure of box office receipts for publication except necessary reports to stockholders, credit and governmental agencies and to other like bodies. No Exhibitor or Distributor shall be responsible for disclosures in violation of this PART made by agents not authorized to do so.

Part 6.—

(a)—If in any license agreement for the exhibition of feature motion pictures the Exhibitor has contracted to exhibit all of the motion pictures offered at one time by the Distributor to the Exhibitor and the license fees of all thereof average not more than $250.00, the Exhibitor shall have the privilege to exclude from such license agreement not to exceed ten percent (10%) of the total number of the motion pictures so licensed; provided the Exhibitor

(1)—is not in default under such license agreement, and

(2)—shall have complied with all the provisions thereof, if any, for the exhibition of such motion pictures at specified intervals.

(b)—Such privilege of exclusion may be exercised only upon the following terms and conditions:

(1)—The Exhibitor shall give to the Distributor written notice of each motion picture to be excluded within fourteen (14) days after the general release date thereof in the exchange territory out of which the Exhibitor is served.

(2)—The Exhibitor may exclude without payment therefor one (1) motion picture of each group of ten (10) of the number of feature motion pictures specified in the license agreement provided he has paid for the other nine (9) of such group.

(3)—If such privilege of exclusion is not exercised as provided in paragraph (b) (2) above, the Exhibitor may nevertheless exercise such privilege by paying the license fee of each motion picture excluded with the notice of its exclusion. In such case, such payment shall be credited against such tenth or succeeding tenth motion picture, as the case may be, which the Exhibitor would otherwise be privileged to exclude as provided in paragraph (b) (2) above.

If the only or last group licensed is less than ten (10) and more than five (5) motion pictures, the privilege to exclude shall apply provided the Exhibitor has paid for all motion pictures but one of such group.

(c)—Upon the failure or refusal of the Exhibitor to comply with any term or condition of such license agreement, or to comply with any arbitration award in respect thereto, the privilege of exclusion forthwith shall be revoked and the Exhibitor shall be liable for and pay to th Distributor the license fees of all motion pictures theretofore excluded.

(d)—If the license fee of any feature motion picture specified in the license agreement is to be computed in whole or in part upon a precentage of the receipts of the Exhibitor's theatre, such license fee (for the purpose of computing the average license fee of all of the motion pictures licensed) shall be determined as follows:

(1)—Average the license fees of all the Distributor's feature motion pictures exhibited upon a percentage basis at the Exhibitor's theatre, during the period of one year prior to the term of such license agreement.

(2)—If none of the Distributor's feature motion pictures were exhibited upon a percentage basis at such theatre during said period, average the license fees of all feature motion pictures exhibited upon a percentage basis at such theatre during the said period.

(e)—If the rental of any motion picture excluded is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, the sum to be paid by the Exhibitor as provided in paragraph (b) (3) hereof shall be determined as follows:

(1)—Average the gross receipts of all the Distributor's feature motion pictures exhibited at the Exhibitor's theatre during the ninety (90) day period preceding the Exhibitor's notice of exclusion, and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(2)—If no feature motion pictures of the Distributor were exhibited at the Exhibitor's theatre during said ninety (90) day period, average the daily gross receipts of the Exhibitor's theatre for the period of thirty (30) operating days preceding the Exhibitor's notice of exclusion and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(f)—In computing the number of feature motion pictures which may be excluded hereunder, fractions of more than one-half (½) shall be regarded as one (1).

(g)—Upon the exclusion of each feature motion picture, the license therefor and all rights thereunder shall terminate and shall revert to the Distributor.

(h)—The Optional Standard License Agreement referred to in PART 1 hereof

(*Continued on page* 32)

MILLION DOLLAR MELODY" STRIKES BOX-OFFICE TUNE; "HAS EVERYTHING"

Educational's First Musical Comedy Runs Full Scale of Laughter and Song Entertainment; Public Responds to Big Name Short Features

Educational's new big-star-name short features have struck the box-office keynote. This is evident from the chorus of praise greeting these showmen's short subjects.

"Million Dollar Melody," the first musical comedy in this sensational series, is swelling the Box-Office Hallelujah at the original Roxy. The astute Film Daily critic reports:

> "A girlie-musical with a real story that has everything it is possible to put into two reels of melodic entertainment."

Exhibitors who enjoy that sweet music, will join in the "Million Dollar Melody" chorus when they show this smart Jack White production.

100 Per Cent Circuit Sales

The big showmen who run the country's great circuits know the value of the big names *Educational* is putting in its short features. Sales of the current *Educational Pictures* program through Fox Exchanges has just reached 100 percent coverage, with circuit representation in every territory.

But This Review Is News

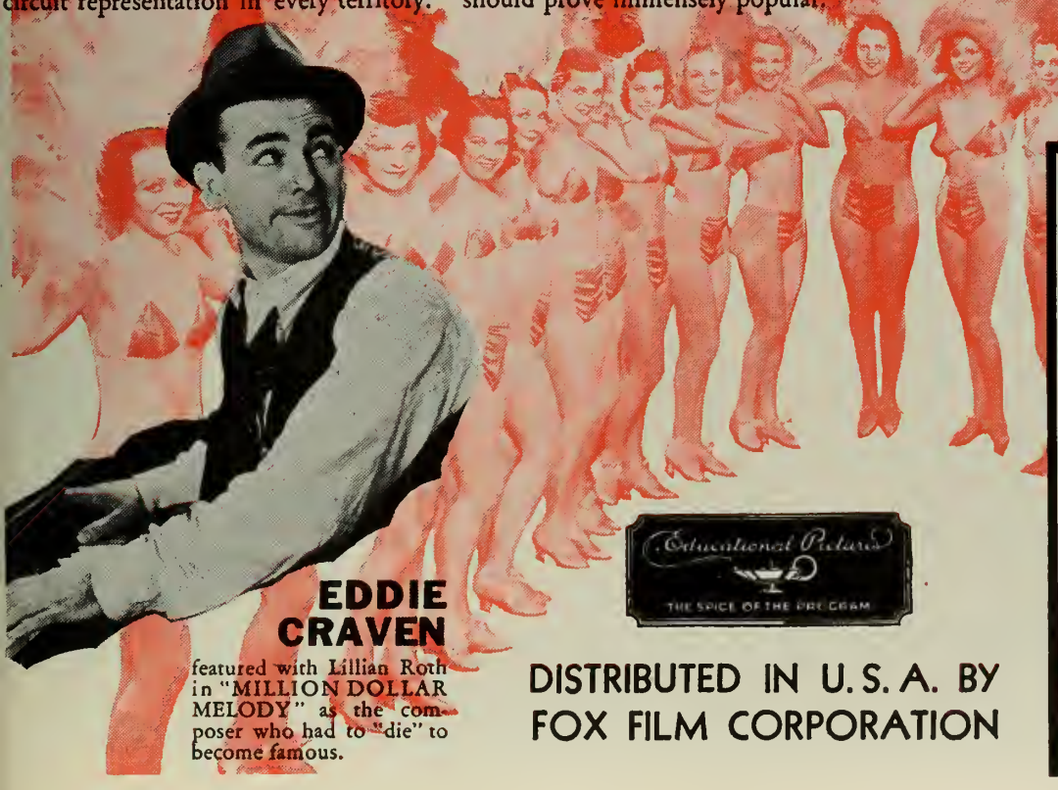
Taking in a private screening of new *Educational Pictures* in his stroll "Along The Rialto," Phil M. Daly wrote:

"There was a first-class exhibit of cartoon technique in Paul Terry-Toon's "Beanstalk Jack"... but Paul's outfit has been turning out class cartoons for so many years that it hardly constitutes news ... a winner ... very clever and funny ... should prove immensely popular."

LILLIAN ROTH

who sings new song hits by James Hanley and Benny Davis in

"MILLION DOLLAR MELODY"



EDDIE CRAVEN

featured with Lillian Roth in "MILLION DOLLAR MELODY" as the composer who had to "die" to become famous.

Educational Pictures — THE SPICE OF THE PROGRAM

DISTRIBUTED IN U.S.A. BY FOX FILM CORPORATION

Coming!

ERNEST TRUEX

as a nudist camp recruit

in **"MR. ADAM"**

An Al Christie Production

Stack this one up against the best of this or any other season. Adam's battle against joining the Nudies for his health is a riot of comedy that just can't miss.

Provide Grievance, Zoning Boards

(*Continued from page 30*)

shall be deemed amended by substituting in place of Article FIFTEENTH of such contract the provisions of this PART.

ARTICLE VI

PART 1.—Clearance and Zoning Boards

Section 1.—To provide against clearance of unreasonable length and/or area in any exchange territory, fair, just, reasonable and equitable schedules of clearance and zoning may be prescribed by a Local Clearance and Zoning Board created for such territory.

Section 2.—Each such Board shall be appointed by the Code Authority and shall consist of two representatives of Distributors, one of whom shall be a National Distributor with theatre affiliations and one of whom shall be a Distributor without circuit theatre affiliations; two representatives of first-run theatres located in such territory, one of whom shall be an affiliated Exhibitor, if there be one, and one of whom shall be an unaffiliated Exhibitor; and two representatives of subsequent-run unaffiliated theatres operating within such territory; and one person approved by the Administrator who shall have no direct or indirect affiliation with any branch of the motion picture industry who shall be regarded as the impartial representative of the Code Authority and who shall vote on any question before the Board only in the case where the Board is deadlocked. There shall be a Chairman of each Board, selected by a majority vote of the members of the Board. Any vacancy in the Board shall be filled from the class of members in which the vacancy occurred.

Section 3.—Each Local Clearance and Zoning Board shall, promptly after its creation, and prior to January 1, 1934, and prior to January 1st of each year thereafter, formulate, prescribe and publish for its territory, schedules of clearance as in Section 1 above described, for the season next ensuing. Such schedules may classify theatres by zones or other classifications suited to local conditions, but for the sole purpose of fixing the maximum clearance in length of time and area after the conclusion of the prior runs of such theatres. Each Board may after fair and reasonable notice and hearing to interested parties change, modify or vary any part of the schedule set up by it, provided that such change or modification shall not in any wise apply to, affect or modify any exhibition contract made subject to or in reliance upon or pursuant to any such schedules, without the prior written consent of the parties to such contract.

Section 4.—Each Board when making any classification of theatres or when fixing the maximum period or area of clearance in respect of any theatre shall, among other things, consider and give due regard to the following factors:

(a)—that clearance to a very considerable extent determines the rental value of motion pictures;

(b)—that exhibitions of the same motion picture within the same competitive area at too short an interval after the conclusion of a preceding run or runs thereof by unduly restricting the competitive area in which clearance is limited, depreciate the rental value of motion pictures; and

(c)—that all such depreciations of the rental values of motion pictures tend to reduce the number of motion pictures produced, discourages the production of motion pictures of quality involving large investments of capital, labor, skill and enterprise and thereby tend to reduce employment.

(d)—that unreasonable clearance to a considerable extent affects the value of motion pictures for subsequent-run theatres.

(e)—that unreasonable clearance depreciates the potential return from motion pictures to subsequent-run theatres.

(f)—that unreasonable clearance as to time and area diminishes the potential revenue to Distributor and subsequent-run Exhibitor.

Section 5.—The decision of each Board upon any question shall be determined by a majority vote, but in case the Board is evenly divided, such question shall be summitted for determination to the impartial representative of the Code Authority, who is provided for in Section 2 of this PART. The decision of the Board and/or the impartial representative, as the case may be, shall be in writing.

Section 6.—It shall be the duty of each such Board to promptly publish the schedules formulated by it, and file a copy thereof immediately with the Code Authority.

Section. 7.—

(a)—Any party aggrieved by the schedules shall promptly and not later than thirty (30) days after publication thereof file a protest in writing with the Board issuing them. Thereupon such Board shall promptly convene and give reasonable notice of hearing to all parties concerned or having an interest in the proceeding and hear them and accept from them all papers and evidence. The Board shall have power to make reasonable rules respecting notice of the time, place and manner of hearing. The Board shall make its decision within fifteen (15) days from the filing of the protest, or within three (3) days after the parties shall have been fully heard, whichever date is sooner. Any party aggrieved by the decision shall have the absolute right to appeal therefrom to the Code Authority, provided such appeal be filed or mailed by registered mail or delivered in writing not later than five (5) days after the decision of the Local Board is rendered, in which case the protest, with all evidence taken before the Local Clearance and Zoning Board, shall be referred to the Code Authority.

(b)—All persons interested in the decision shall have the right to appear before the Code Authority and present additional evidence. The Code Authority, after investigating such protest and reviewing the evidence theretofore taken and considering the additional evidence, if any, shall promptly render its decision, and not later than fifteen (15) days from and after the date of the hearing upon the appeal. The requirement as to the various steps herein prescribed shall be mandatory in order to give full relief before the buying season commences.

Section. 8.—

(a)—The schedules presented and/or decisions made by any Local Clearance and Zoning Board and/or decisions of the Code Authority upon any appeal to it, shall be binding upon all Distributors and Exhibitors in the territory affected.

(b)—Pending the final determination of any dispute or controversy, all existing contracts between the disputants shall continue to be performed in every respect.

Section 9.—The jurisdiction of the Local Clearance and Zoning Board shall be limited as herein specifically provided and such Board shall hear no questions other than those pertaining strictly to clearance and zoning matters.

PART 2. Grievance Boards.

Section 1.—The complaint of any Exhibitor that a competing Exhibitor has committed any of the acts set forth in the following paragraphs (a), (b), (c) and (d) with the intention and effect of depriving, without just cause, the complaining Exhibitor of a sufficient number of motion pictures to operate such Exhibitor's theatre, shall be referred for determination to a Local Grievance Board constituted as hereinafter provided:

(a)—The licensing of more motion pictures than are reasonably required.

(b)—The adoption of an unfairly competing operating policy of unnecessary and too frequent changes of motion pictures.

(c)—The exaction without just cause of an agreement from any Distributor as a condition for entering into a contract for motion pictures that such Distributor refrain from licensing its motion pictures to the complaining Exhibitor.

(d)—The commission of any other similar act with the intent and effect of depriving without just cause the complaining Exhibitor of a sufficient numher of motion pictures to operate such Exhibitor's theatre.

Section 2.—Each such complaint shall be in writing and made immediately after the commission of the act or acts complained of, or in cases where an act or acts is threatened, immediately after notice thereof, and the Local Grievance Board after a fair and impartial consideration of all of the facts presented, a full, expeditious and complete hearing of all the parties concerned, including the Exhibitors directly involved, the Distributors having contracts with the Exhibitor complained against, and Exhibitors having contracts for runs subsequent to each of the Exhibitors directly involved, and if it deems it necessary, an independent investigation of the facts, shall make a prompt determination of each complaint submitted to it.

Section 3.—The Local Grievance Board shall determine whether or not any Exhibitor complained of has committed any of the acts specified in paragraphs (a), (b), (c) and (d) of Section 1 of PART 2 hereof, and shall make findings of fact in such regard. The Local Grievance Board upon the facts found shall make an award (a) dismissing the complaint, or (b) granting such relief as the Local Board may deem appropriate. The Local Grievance Board shall not have power to award damages. No award shall be made in favor of a complaining Exhibitor unless the Local Grievance Board shall find as a fact that the complaining Exhibitor is able, ready and willing to fully carry out and comply with all of the terms and conditions which may be fixed by the Local Grievance Board as a condition for making the award, which terms and conditions shall in no event be less favorable to the Distributor concerned than those contained in the license contract of the Exhibitor complained of, including the Distributor's loss of revenue, if any, resulting from the elimination of or reduction of revenue from any subsequent run or runs made necessary by such award, and such other terms and conditions as the Local Grievance Board may prescribe.

Section 4.—All complaints and grievances of exhibitors or distributors concerning provisions of this code or otherwise, and not specifically designated to be heard or passed upon in the first instance by the Code Authority or by arbitration or by the Local Clearance and Zoning Board shall be heard by the Local Grievance Board, and if such Local Board by a majority vote of the representatives thereon shall deem that any such complaint or grievance shall be certified to the Code Authority for determination, it shall be so certified, and the Code Authority shall consider and determine the same; otherwise such complaint or grievance shall be dismissed with a right of appeal from such dismissal to the Code Authority. Such proceedings before the Local Grievance Board and before the Code Authority shall be within the periods of time hereinafter prescribed in Sections 6 and 7 hereof.

Section 5.—Each Distributor shall have the right to license all or any number of the motion pictures distributed by such Distributor for exhibition at theatres affiliated with such Distributor, and no Local Grievance Board shall have jurisdiction to hear or determine any complaint by any Exhibitor based upon the fact that a Distributor has licensed the motion pictures distributed by it for exhibition at theatres affiliated with such Distributor.

Section 6.—

(a)—There shall be established a Local Grievance Board, appointed by the Code Authority, in each exchange territory. Each such Board shall consist of two representatives of Distributors, one of whom shall be a National Distributor with theatre affiliations and one of whom shall be a Distributor without circuit theatre affiliations, and two representatives of Exhibitors, one of whom shall be an affiliated Exhibitor, if there be one, and one of whom shall be an unaffiliated Exhibitor, and one person who shall have no direct or indirect affiliation with any branch of the motion picture industry, who shall be approved by the Administrator, who shall be regarded as the impartial representative of the Code Authority, and who shall vote on any question before the Board only in the case where the Board is deadlocked. There shall be a Chairman of each Board, selected by a majority vote of the members of the Board. Any vacancy in the Board shall be filled from the class of members in which the vacancy occurred. No member of such Board shall sit on any matter involving his own or his company's interest.

(b)—The decision of each Local Board upon any question submitted to it shall be determined by a majority vote, but in case the Board is evenly divided, such question shall be submitted for determination to the impartial representative of the Code Authority, as provided in paragraph (a) of this Section. The decision of the Board and/or the impartial representative, as the case may be, shall be in writing. All decisions of the Local Board shall be made within fifteen (15) days from the filing of the protest, grievance, or complaint, or within three (3) business days after the parties shall have been fully heard, whichever date is earlier.

Section 7.—

(a)—Any party aggrieved by any decision of the Local Board shall have the absolute right to appeal therefrom to the Code Authority, provided such appeal he filed or mailed by registered mail or delivered in writing not later than five (5) days after the decision of the Local Board is rendered, in which case the grievance or complaint, together with all the evidence taken before the Local Board shall be referred to the Code Authority.

(b)—Pending the determination of such appeal, the determination order or other action of the Local Grievance Board shall be stayed.

(c)—Any party aggrieved shall have the right to appear before the Code Authority and present additional evidence. The Code Authority, after investigating the complaint or grievance and reviewing the evidence theretofore taken, and considering the additional evidence, if any, shall promptly render its decision not later than fifteen (15) days from and after the date when the parties have been fully heard on appeal.

Section 8.—No Exhibitor or Distributor shall be entitled to file any complaint under this or any other ARTICLE of this Code unless such Exhibitor or Distributor shall have duly executed this Code in its entirety within forty-five (45) days after it is signed by the President of the United States, and/or forty-five (45) days after engaging in the motion picture industry, and shall have thereby agreed to comply with all the requirements of the National Industrial Recovery Act. Evidence of such compliance shall be filed with the Code Authority.

Part 3.—All members appointed to serve on respective Clearance and Zoning Boards and Local Grievance Boards shall be persons of good repute and of good standing in the industry, and shall upon acceptance of appointment subscribe and file with the Administrator an oath to fairly and impartially determine whatever issue is presented to the Board to which such member has been appointed. No such Board shall contain in its membership more than one representative of any Distributor or Exhibitor.

Part 4.—If a member of any board provided for by this Article VI ceases to belong to the class he represents upon such board, his membership shall terminate and the Code Authority shall fill the vacancy so caused by designating a representative of the same class.

ARTICLE VII

General Trade Policy Provisions

Part 1.—The industry pledges its combined strength to maintain right moral standards in the production of motion pictures as a form of entertainment. To that end the industry pledges itself to and shall adhere to the regulations promulgated by and within the industry to assure the attainment of such purpose.

Part 2.—The industry pledges its combined strength to maintain the best standards of advertising and publicity procedure. To that end the industry pledges itself to and shall adhere to the regulations promulgated by and within the industry to assure the attainment of such purpose.

ARTICLE VIII

Miscellaneous Provisions

Part 1.—Any Exhibitor forwarding or delivering to another Exhibitor a print of a motion picture at the request or upon the order of the Distributor thereof, shall, but only for such purpose, be deemed to be the agent of such Distributor.

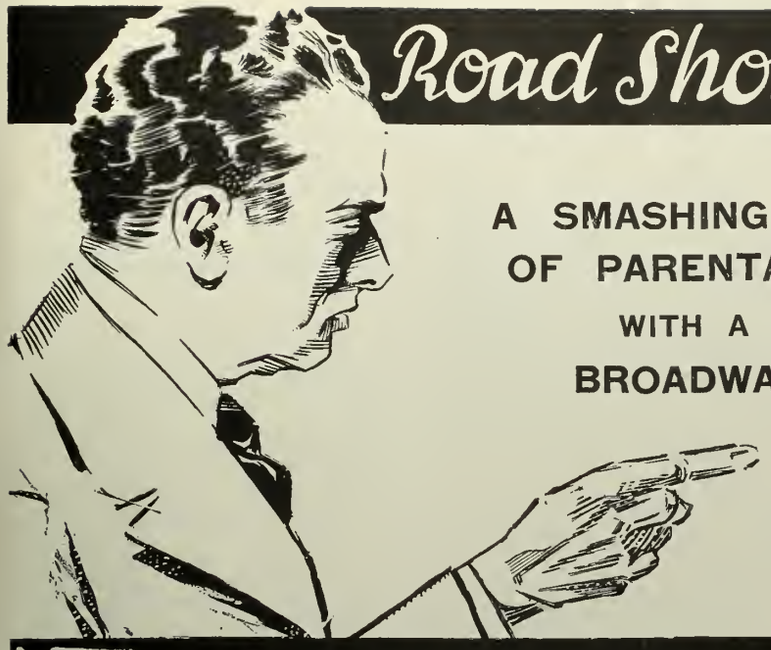
Part 2.—

(a)—Wherever in this Code arbitration of any matter is provided for, other than arbitration as provided in the Optional Standard License Agreement (1933) or as may be otherwise specifically provided for, such matter shall be submitted for determination to an Arbitration Board. Such Arbitration Board shall consist of four (4) members. Each of the groups concerned in such matter shall appoint two of such members. In any such case where arbitration is to be used as provided in this Code, upon the written request of either group to the dispute or controversy the group making such request shall name therein two arbitrators, stating the business address and business or business connection of each, and shall designate therein the date, time and place of the hearing of such controversy. The date of such hearing shall not be earlier than seven (7) days from the date of the sending of such notice, unless it shall be claimed in such notice that irreparable injury will result unless there is a speedy determination of such controversy, in which case such hearing may be designated to be held earlier than the said seven-day period.

(b)—Within five (5) days from the mailing of such request for arbitration,

(*Continued on page 34*)

Road Shows Now Booking!



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Arbitrators Must Always Be Impartial

(Continued from page 32)

or within twenty-four (24) hours if the date of such hearing shall be earlier than seven (7) days from the date of the sending of such notice, the group upon whom such request is made shall name two arbitrators in a written notice mailed or delivered to the other party, stating therein the business address and business or business connection of each arbitrator. If either group fails or refuses to name the arbitrators as herein provided, or if any arbitrator so named shall fail or refuse to act, or be unable to serve, or shall be challenged, and others are or another arbitrator qualified and then available to act is not appointed, others or another arbitrator may be appointed by the other group as the case may be.

(c)—No member of an Arbitration Board shall hear or determine any controversy in which he has an interest, direct or indirect, and any member having such interest shall be disqualified to act.

(d)—If the arbitrators or a majority of them are unable to reach a decision, they or a majority of them shall immediately select an umpire who shall not be engaged in the motion picture business. In such case, the hearing before the umpire shall be at such time and place as the umpire shall designate and shall be had before the umpire alone, the arbitrators not to be permitted to attend the hearing before the umpire. If the arbitrators or a majority of them are unable to agree upon the selection of an umpire, the Administrator shall upon request make such selection.

Part 3.—Nothing in this Code shall be deemed to apply to the production, distribution or exhibition of motion pictures on film of recognized sub-standard widths, or to slide films, or to non-theatrical motion pictures designed primarily for educational, scientific, industrial, commercial, advertising, selling or other non-theatrical purpose, or to television of motion pictures, provided that the commercial production, distribution or exhibition of such films shall be subject to investigation by the Code Authority to determine whether such production, distribution or exhibition of such films is unfair competition to an established motion picture theatre or theatres. If found to be unfair competition, the Code Authority shall promulgate rules and regulations governing such unfair competition.

Part 4.—The provisions of this Code shall be separable.

ARTICLE IX

Mandatory and Amending Provisions

Part 1.—This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provision of Clause 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation, issued under Title I of said Act, and specifically to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

Part 2.—Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act, upon the application of the Code Authority approved by the Administrator and with the approval of the President, may be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provision to this Code or additional codes will be submitted for the approval of the President to prevent unfair competition and other unfair and destructive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

Warners Buying Store

Warners have inaugurated a cooperative buying store in the company's headquarters on the fifth floor. All Warner Club members can purchase the items on sale for 10 per cent above cost. There are 8,000 members throughout the country.

Johnson Can Make Changes In Authority

(Continued from page 1)

to the authority if practice demonstrates any employing branch of the industry is insufficiently represented.

Suspension for 90 days of the salary provisions of Article 5 is ordered until further study is made of the salary problems of players, writers and others in the creative branches of the industry.

The so-called talent rading provisions of Article 5 are also suspended for the same reason and these provisions may be "definitely suspended, or modified, altered or changed, or become effective."

Appointment of Dr. A. Lawrence Lowell, Marie Dressler and Eddie Cantor to the code authority is made in a separate memorandum.

President's Order

The President's Executive order follows: "An application having been duly made, pursuant to and in full compliance with the provisions of Title 1 of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a code of fair competition for the motion picture industry, and a hearing having been held thereon, and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of Title 1 of said act and that the requirements of clauses (1) and (2) of subsection (A) of Section 3 of the said Act have been met:

"Now, therefore, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title 1 of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator, and do order that the said code of fair competition be, and it is hereby, approved, subject to the following conditions:

Effectuates Further Policies

"To effectuate further the policies of the Act, that:

"(1) Because the constituency of the Code Authority is named in this code, the Administrator shall have the right to review, and if necessary, to disapprove any act taken by the Code Authority, or by any committee named by it, and any act taken by any board named by it; and

"(2) If, in the administration of this code, any member or temporary alternate of any member of said Code Authority, or any member of any board appointed by the Code Authority shall fail to be fair, impartial and just, the Administrator shall have the right to remove such member or temporary alternate from said Code Authority, and to remove such member of any such board, and, if he deems necessary, to name another member or alternate from the general class represented by such removed member or alternate to replace such removed member or alternate upon said Code Authority or upon any such board; and

Members Can Be Added

"(3) If, in the administration of this code, it shall be found by the Administrator that there has not been sufficient representation of any employer class in this industry on the Code Authority, the Administrator shall have the right to add members from any such class to such Code Authority; and

"(4) Because the President believes that further investigation with respect to the problems of payment of excessive compensation to executives and other employes in this industry is required, the provisions of Article V, Division A, Part 4, of this code are hereby suspended from operation and shall not become effective pending further report from the Administrator after investigation; and

"(5) Because the President believes that writers, authors, and dramatists are engaged in purely creative work, the provisions of Article V, Division B, Part 5, Section 1 (C), 2, 3, 4 and 6, of this code, shall not become effective with respect to such employes; and

"(6) Because the President believes that further investigation is required with respect to problems generally affecting unfair competitive methods for the services of classes of employes of producers rendering services of an artistic, interpretative, technical, supervisory or executive nature, the provisions of Article V, Division B, Part 5, Section 1 (C), 2, 3, 4 and 6, of this code, are suspended from operation and shall not become effective pending further report from the Administrator, after investigation, as to whether such provisions should be definitely suspended, or modified, altered or changed, or become effective."

FRANKLIN D. ROOSEVELT

Code Meets Expected

With release of the signed industry code by the President, practically every exhibitor unit in the country will call meetings to discuss the draft in its final and official form. Charles L. O'Reilly, president of the T.O.C.C., plans to hold a mass meeting at the Astor shortly to familiarize metropolitan New York theatre owners with details of the code.

Far Eastern to Dissolve

WILMINGTON, Del., Nov. 30.—The Far Eastern Theatre Company, Inc., a Delaware corporation operating in China, will hold a stockholders meeting in Shanghai, China, on December 6. The meeting, for stockholders having voting power, has been called by the board of directors to act on a resolution declaring that it is advisable to dissolve the company. T. O. Thackrey is president.

Ontario Independents

TORONTO, Nov. 30.—According to Oscar R. Hanson, general manager of Associated Theatres Limited, the Ontario group of independent theatre owners is now at its greatest strength with a membership of 70 houses.

Final Draft Of Code Has Few Changes

(Continued from page 1)

"supreme court of the industry." In all other particulars the body of the third NRA code remains the same except for changes in phraseology which do no more than clarify or amplify the original wording.

Suspension of the talent "raid" provisions of Article 5, pending further investigation by the Administrator, are regarded as the probable result of opposition fostered by Hollywood talent organizations and their spokesmen, notably Eddie Cantor and Joseph M. Schenck, both of whom were visitors at the "little White House" immediately prior to the signing of the code. Suspension of the salary penalty provision is believed to be accounted for by an opinion of the Attorney General holding it to be of doubtful enforceability.

Full reports on salaries paid to executives and high priced talent will be required of production, distribution and exhibition organizations within the next 90 days and will comprise the basic part of the Administrator's investigation of the workings of the code, to be completed prior to a decision on permanently suspending, changing or enforcing this phase of Article 5, it is believed.

The code authority personnel is included in the code as printed Wednesday in MOTION PICTURE DAILY. The appointments of Cantor, Marie Dressler and Dr. A. Lawrence Lowell are made in a separate memorandum by the President which accompanies the executive order.

As in the third draft, no mention is made of double featuring, the right to buy or score charges, nor is any change made in the prior draft's picture cancellation provisions, which were, and are, intended to take care of block booking. All other major trade practices remain essentially as they were in the third draft.

Discuss Plans for Ad Copy Committee

Preliminary plans for the reorganization of a committee to cooperate on the question of advertising were discussed this week at the Hays office and another meeting will be held shortly to round out the initial movement.

Attending the session were J. J. McCarthy of the Hays office, Howard Dietz of M-G-M, chairman; Stanley Shuford of Warners, substituting for S. Charles Einfeld, who is on the coast, and Robert Sisk of Radio, pinch hitting for John Flinn, president of the A.M.P.A., and now on the coast.

Additional members will be appointed to the committee, which now consists of the above.

"Deceiver" Set for Roxy

Following the eight-day run of "Hoopla," which opened yesterday, "The Charming Deceiver" is scheduled to follow into the 7th Ave. Roxy. "Jimmy and Sally" starts Dec. 15.

All Factions Given Places On Code Body

(*Continued from page* 1)

labor in the industry here gave no indication of displeasure over the board's makeup. The possibility of formal consideration of the appointments within the next few days was voiced, however, by one union representative.

Petitions of the I.A.T.S.E. for a labor representative on the code authority met with a statement last October from NRA officials that administration of the code was an employer's rather than an employe's function, and that labor was clearly in the employe classification. Because of this ruling, many in the industry expected a protest from labor over the appointment of Eddie Cantor and Marie Dressler on the board, both of whom, as actors, apparently fall into an employe classification.

Actors' Equity, apparently satisfied with the naming of Cantor, an Equity member, was non-committal over the appointment of Miss Dressler, who, in 1929, was a leader of the opposition to Equity's attempts to extend its domain to Hollywood. Miss Dressler was instrumental in frustrating an actor's strike in Hollywood called by Equity at the time. Frank Gillmore, president of Equity, said yesterday he had no comment to make on Miss Dressler's appointment.

Coast Guilds Satisfied

Advices from Hollywood also indicated that the Academy, Screen Writers' and Actors' Guilds and other talent organizations were pleased with the representation afforded them by the appointments of Cantor and Miss Dressler.

Independent producer - distributor and exhibitor factions, likewise, evinced no undue concern over the code authority personnel as named by General Johnson. The Administrator's declaration in Warm Springs at the time of the signing of the code by President Roosevelt that the right to review and disapprove, if necessary, any action of the code authority, and to remove any of its members, or add members from any employer class, had been reserved for the Administrator, appears to have gone far toward mollifying early independent fears that their interests would be insufficiently represented. They now see a balance of voting power for any faction to be without material significance, which is precisely what the proponents of the third NRA draft have emphasized since its completion.

Allied States, which has protested vigorously both the unofficial set-up of the code authority and the third NRA draft, finds itself represented by Nathan Yamins, a member of its board of directors and leader of the New England Allied unit. Yamins declined to comment Wednesday on his appointment, but gave every indication that he would accept the post on being formally notified by the NRA.

Yamins' position became of interest with the announcement of his appointment because of his recent declaration, in denying a report that he had approved the code, that he would continue "loyal to Allied." Allied's position at the time was openly antagonistic to the code, but a change in that attitude has been indicated already by Abram F. Myers, nominal head of the organization, who virtually has approved a trial of the code on the basis of Administrator Johnson's declaration regarding immediate administration supervision over code authority moves.

Johnston Is Silent

Federation of the M. P. Industry, representing independent producers and distributors, has W. Ray Johnston, president of Monogram, on the code authority. On Wednesday Johnston declined to comment on his appointment in advance of his formal notification, but indicated that he would neither act on the appointment nor sign the code on behalf of Monogram until he had seen the final code.

Organizations outside the industry, but which have taken an active interest in the drafting of the code, find representation on the code authority in the person of Dr. A. Lawrence Lowell, honorary president of the M. P. Research Council, who, in many aspects, assumes the mantle of the consumer's or public's representative. In announcing Dr. Lowell's appointment, General Johnson said his duty would be "to observe the efforts of the industry to comply with its own rules of censorship of improper pictures and dialogue" and make a report of his observations to the administration. This was taken to be a definite indication that Dr. Lowell will not be authorized to introduce any new form of internal censorship except in the event of a complete failure of the industry's existing censorship measures for itself, and then only with the approval of the administration, to which his report is to be submitted.

Independent producer, distributor and exhibitor interests have a sympathetic spokesman, if not a direct representative, in Dr. Lowell, who, both individually and as honorary president of the M. P. Research Council, is on record as favoring a "selective picture buying and selling policy," which it believes can be accomplished through elimination of block booking and blind buying and introduction of a "right-to-buy" plan. In this, the council has recently received the support of individuals who are members of Allied States and the Federation of the M. P. Industry.

Independent exhibitor interests also have a representative on the code authority in the person of Charles L. O'Reilly, president of the T.O.C.C., New York, who throughout the code drafting activities in both New York and Washington was aligned more often than not with proposals which carried the support of Allied States and the Federation of the M. P. Industry. The most prominent of these was probably the much-disputed right-to-buy, which found a vigorous champion in O'Reilly.

Ed Kuykendall, president of M.P.T.O.A., is another code authority appointee named by the Administration to represent independent exhibitors. Kuykendall and his organization were among the first to become active in code drafting work, their participation dating back to last May. He has consistently supported constructive code activities and, while declaring recently that M.P.T.O.A. was not "entirely satisfied" with the third NRA draft, it felt that the code should be given a trial and was flexible enough to make changes possible if they were demonstrated in practice to be needed.

Cochrane's Unique Position

R. H. Cochrane, vice-president of Universal, is an administration choice for representative of distributors without theatre affiliations. At Washington code hearings, Cochrane, with Jack Cohn of Columbia, stood apart from other producer-distributor members of the M.P.P.D.A. in demanding that the code carry no provision designed to curb double featuring.

The five major theatre circuits, their affiliates, and major producer-distributor interests, representing the industry's largest group investment, are represented by Harry M. Warner, president of Warner-F. N.; Nicholas M. Schenck, president of Loew's, Inc., and M-G-M; Sidney R. Kent, president of Fox; George J. Schaefer, vice-president of Paramount, and M. H. Aylesworth, president of RKO Corp.

Cantor, Dressler to Act Only Upon the Problems of Talent

Washington, Nov. 30.—Marie Dressler and Eddie Cantor will serve on the code authority only when questions affecting creative talent are before the board, it was disclosed today in the President's memorandum covering their appointment.

Dr. A. Lawrence Lowell will be the Administration's representative on the authority without voting power.

The President's memorandum follows:

"Pursuant to the provisions of Article 11, Section 2 (B) of the Motion Picture Industry Code, and by direction of the President, Miss Marie Dressler and Mr. Eddie Cantor are hereby designated as members of the Code Authority, with a right to vote, to represent the actor class of employees engaged in the motion picture industry as and when any question directly or indirectly affecting such class is to be considered by the Code Authority. The code provision respecting the appointment of one such representative is hereby waived in respect of such appointments.

"Dr. A. Lawrence Lowell is hereby designated as a representative of the Administration upon the code authority of the Motion Picture Industry Code."

Beatty to Do Another

KANSAS CITY, Nov. 30.—Clyde Beatty, wild animal trainer who had a part in Universal's "The Big Cage," is to make a jungle serial thriller with a Tarzan motif, he told friends here while en route to Hollywood. Beatty's book, "The Big Cage," from which the picture was written, is now in its third edition, Beatty said. Edward Anthony, who collaborated on that book, will probably help write the projected serial.

"U," Chicago News Deal on Reel Ending

(*Continued from page* 1)

has made it necessary for National Screen Service, which used those facilities for its trailers to develop in its own plant. This is now being done in the rear of the floor occupied by National in the Warner Building.

MOTION PICTURE DAILY several months ago reported relations between Universal and the *Chicago Daily News* were faltering and that the distributor, dissatisfied with the financing arrangement, had informed the newspaper of its intention to seek a revision.

Alvin Delay Causes Fox Product Shift

PITTSBURGH, Nov. 30.—Because the Alvin opening will be held up by construction delays, the Harris Amusement Co. is playing most of its contracted Fox pictures for first run showings at the small Harris-Family in East Liberty. The first of these, "The Power and the Glory," opens there this week.

Early in the season the Harris group made a deal with Fox to take three-fourths of the annual product, the remainder going to the Fulton. "Hoopla," "Berkeley Square" and "Paddy, the Next Best Thing," were returned to Fox, at the company's request, to be sold on the outside. These have been picked up by the Fulton.

Although the Alvin was supposed to open around the first of November, from present indications it will be at least a couple of more months before the house will start operation.

Portland Pantages In Row with Union

PORTLAND, Nov. 30.—After just four weeks of operation the Pantages closed on five hours' notice. Patrons found this sign on the box-office: "Closed by the Unreasonable Demands of the Stagehands' Union.

The management has made no specific statement, but the union claims stagehands were cut from 42 to 28 cents an hour and told to make a decision within five hours, instead of receiving the usual two weeks' notice. The work has been divided among eight men on a five-day basis.

It is understood acts are being held here pending arbitration. The theatre had done the usual advertising on the coming week's show, plus Columbia's "A Man's Castle."

Rodney Pantages, together with Manager H. M. S. Kendrick, is conferring with the union.

The Paramount has given two weeks' notice to stage hands.

Goldwyn Loans Cooper

HOLLYWOOD, Nov. 30.—Samuel Goldwyn has loaned Gary Cooper to Cosmopolitan for "Operator 13," and has postponed work on "Barbary Coast" until May 15. In the meantime he is looking for another Anna Sten vehicle to work during the postponed time.

GOOD PRODUCTION, GOOD CAST AND A READY-MADE AUDIENCE

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"16 FATHOMS DEEP"

WITH

SALLY O'NEIL

CREIGHTON CHANEY

Produced by Paul Malvern

Directed by Armand Schaefer

Adapted by A. B. Barringer

Screen play by Norman Houston

Based on the AMERICAN MAGAZINE Story by Eustace L. Adams

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 129 NEW YORK, SATURDAY, DECEMBER 2, 1933 TEN CENTS

Expect Code Authority To Meet in a Few Days

Holiday Rush Sends B'way Takes Soaring

Music Hall Leads with Capacity Crowds

Broadway houses are in the midst of a Thanksgiving holiday week-end boom which, beginning last Wednesday night, maintained record-breaking attendance levels at virtually every theatre along the Main Stem throughout Thursday and yesterday. Local managers credit the capacity business to school and week-end holidays, and predict its continuance through today and tomorrow.

The Music Hall, where Radio's "Little Women" opened its third week on Thanksgiving Day, played to near capacity on that day, grossing $21,679, or approximately $6,000 over the gross for the first day of the run. Yesterday's gross had reached $7,300 on approximately 15,000 admissions at mid-afternoon. Waiting lines stretched to Fifth Ave. and extended a block

(*Continued on page 7*)

Kane Lining Up 2nd Music Unit for Fox

HOLLYWOOD, Dec. 1.—Robert Kane, Fox producer, has started organizing a second unit to handle musical productions with the signing of Erick Charell, European impresario, Charell will arrive in Hollywood on Jan. 15.

First unit, now working on the "Scandals," includes Ray Henderson, Jack Yellen and Irving Caesar handling lyrics and music, with Joseph Cunningham on the dialogue.

Para. Men on Road For Selling Drive

With the "Victory Drive" starting Jan. 1, Paramount sales executives are now making tours of various exchanges under their supervision. Neil Agnew, sales manager, is enroute to the coast, stopping at exchange centers

(*Continued on page 7*)

See J. J. McCarthy For Wilstach Post

J. J. McCarthy, who was appointed to handle advertising and publicity matters for the M. P. P. D. A. during the illness of the late Frank Wilstach, is expected to be made the permanent successor to the post within the next few days.

'Square Deal' Held Assured By Kuykendall

COLUMBUS, Miss., Dec. 1.—Retention of final authority on all code matters by President Roosevelt and the NRA Administrator is hailed by Ed Kuykendall, M.P.T.O.A. president, as the industry's assurance of a "square deal all around."

In a statement issued here today, Kuykendall calls upon exhibitors to "actively support" the code and the administration bodies which it sets up, declaring that it "deserves a fair trial

(*Continued on page 3*)

Canadians Ask New Loew Directorate

TORONTO, Dec. 1.—A movement is under way here among shareholders of Marcus Loew's Theatres, Ltd., to pool preferred and common shares with the Royal Trust Co. before Dec. 31 with the object of securing more Canadian representation on Loew's board of directors.

Robert Waler is heading the movement. He says the preferred stock is

(*Continued on page 7*)

Snap Code Edition

The circulation department of the *Motion Picture Daily* was swamped yesterday with calls for extra copies of the code edition. By telephone and telegraph came orders for from one to 100 extra copies.

***Motion Picture Daily* had anticipated an unusual interest on the basis of advance orders and more than doubled the regular press run.**

The remaining supply is limited. Orders for extra copies will be filled in the sequence of their receipt. Single copy orders will be filled as long as any copies remain. Bulk orders may have to be reduced.

The price is 10 cents per copy.

Rosenblatt Future Stirs Speculation

WASHINGTON, Dec. 1.—With the film code out of the way, speculation is rife as to how long Deputy Administrator Sol A. Rosenblatt will continue with the NRA.

With two or three more amusement codes to be heard and put through for approval, it is anticipated he will

(*Continued on page 3*)

Quick Work on Naming Of Boards by New Year Foreseen

WASHINGTON, Dec. 1.—First meeting of the code authority is expected to be set within the next few days in order that that body may name appointees to the 32 local clearance and zoning boards which, in turn, must meet and draft clearance schedules for each exchange territory for the year of 1934, prior to Jan. 1.

The code authority's first meeting will probably occur either Thursday, Dec. 7, the date on which the code becomes effective, or the following day, and is expected to be set by Deputy NRA Administrator Sol A. Rosenblatt on his return to Washington from a week-end in New York.

Other business designed to hasten the first meeting is the organization work necessary to prepare the industry reports required by President Roosevelt for submission within the next 90 days. It is understood that these reports will cover salaries of executives, theatre seating capacities, ad-

(*Continued on page 3*)

Administration to Defer Naming Two

WASHINGTON, Dec. 1. — Appointment of the two remaining government members of the code authority will be deferred for some time, during which Administrator Hugh S. Johnson will assume the duties of those appointees himself and will direct any action necessary, it was made known today.

The code provides for the appointment of three Administration repre-

(*Continued on page 3*)

Independents Delay Any Action on Code

Action on code signing by independent groups is being held in abeyance, for the most part, pending organization discussions.

Jacob Schechter, counsel for the Federation of the M. P. Industry, declined to comment on code signing prospects of that organization yesterday prior to a final study of the code and discussions with members. Allied

(*Continued on page 3*)

Circuits Fade, Wisconsin Ind'p'ts Swell in Number

This is the second in a series of articles on conditions in the Middle West written by the editor on a tour of one-night stands. Chicago will be discussed in the third.

By RED KANN

MILWAUKEE, Dec. 1.—The mighty have fallen with a loud bang in this neck of the woods. Where once stalked the omnipotent Fox Midwesco circuit, 47 theatres in 19 towns strong, there now remains a shadow of its former self.

The balance has veered the way of the individual operator. Picking up what Fox Midwesco did not want or could not hold, the string of houses which Tom and Jack Saxe developed for a sale not so many years ago to Fox has broken up into a variety of splinters. As those matters have a habit of working out, where the Fox sphere of influence dwindled that of

(*Continued on page 6*)

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Wilstach Rites Held

Funeral rites for Frank Wilstach, M. P. P. D. A. aide for the past eight years, were held yesterday morning at the W. J. Dargeon chapel, 954 Amsterdam Ave., with only the immediate family of the deceased in attendance, in accordance with family wishes. Wilstach died Tuesday at Manhattan General Hospital following an illness of several weeks.

"Women" for RKO Roxy

Following a three-week run at the Music Hall, "Little Women" will be switched to the RKO Roxy next Friday for an indefinite run. The booking is unusual, in that pictures playing the Music Hall are day-and-dated in all metropolitan RKO houses.

"Women" Portland Hit

PORTLAND, Dec. 1.—"Little Women" brought out long lines for its opening at the Music Box. Extra shows were run. The first day's take was $2,000. "Duck Soup," opening at the Paramount, grossed $1,800 the first day.

Borzage, Ill, Stops Work

HOLLYWOOD, Dec. 1.—Because of an attack of tonsilitis, influenza and an infected finger, Frank Borzage has suspended work on "No Greater Glory" at Columbia for several days.

Havana Gets Wide Range

HAVANA, Dec. 1.—First wide range sound installations have been made here at the Encanto and Nacional theatres.

Looking 'Em Over

"Hoopla"

(Fox)

Clara Bow takes off a lot of clothes and tosses a mean torso around in this adaptation of the stage play, "The Barker." Clara thereby proves she not only has "it," but also plenty of curvacious these and them and isn't afraid to let the world in on the body job. The story deals with carnivals, Preston Foster and his affair with Minna Gombel, another hootch dancer; Foster's son, Richard Cromwell, who joins the show without prior warning, and the manner in which Clara, on a spite bet engineered by the jilted Miss Gombell, makes the country bumpkin fall.

But, complications ensue when Clara, after all her hip-shaking, professional and private, really finds she has fallen for the innocent kid. They marry. Foster raises the devil, but thereafter Clara joins the Chicago Fair midway to send Cromwell through law school. Reconciliation for all figures in the finish.

Production values are up to snuff. Story content, adequately developed. Clara Bow, however, is the chief selling point. Where she goes, the picture will. Her dramatic moments, in some instances, prove beyond her reach, but photographically the girl is an eyeful. Foster does the best job in the cast and Cromwell is boyishly competent.

KANN

"Son of a Sailor"

(First National)

A natural for Joe E. Brown, and his fans will eat this one up. He has some new gags, and these, mixed with several of his old ones cloaked in new guises, kept a Strand holiday audience roaring so loud that it was impossible at times to hear the dialogue. There is a general navy atmosphere in this one, and the shots of the *U. S. S. Saratoga* are particularly good. Lloyd Bacon has done an admirable job of directing. The action never lags long enough to be noticeable.

Brown is a "Baron Munchausen of the Navy," always lying himself into embarrassing situations, and then lying himself right out again. When his glib tongue fails him, Lady Luck comes to his aid.

The action starts with Brown, a plain gob, obtaining shore leave from the *Saratoga* under false pretenses. His encounters with various attractive females come to naught, however, until he is hit by the car of Jean Muir, the Admiral's granddaughter. He fails to recognize her, and she invites him home for dinner. Here he encounters what seems like all the gold braid in the navy. But his smooth tongue comes to his rescue, and he acquits himself nobly. Johnny Mack Brown, first mate of the aircraft carrier is also present, with his plans for a robot pilot. Thelma Todd and George Blackwood, spies, are after the plans. Blackwood gets them, and escapes in a Navy plane, with Brown on his trail. The plane is equipped with the robot pilot, and returns to its mother ship, after Brown has kayoed Blackwood, and leaps out in his parachute. But he lands on an abandoned ship, and is bombed by the air force. However, he escapes, and for his part in the capture of the spies is promoted.

Miss Muir, Brown and Miss Todd are all well cast. Arthur Vinton is a capable foil for some of Brown's tomfoolery, and Frank McHugh almost steals what few scenes he's in.

(Continued on page 8)

Trading Light on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26½	25¾	26½	+1½	500
Consolidated Film Industries, pfd	9	9	9	+ ¼	100
Eastman Kodak	80	79¾	79¾	+1⅜	400
Loew's, Inc.	30	29⅛	29⅛	— ⅞	400
Paramount Publix	1½	1½	1½	— ⅛	500
Pathe Exchange	1¾	1⅝	1¾	.....	300
Pathe Exchange "A"	11	10¾	11	+ ½	300
RKO	2⅛	2⅛	2⅛	.....	100
Warner Bros.	6⅛	6	6	.....	800

Technicolor Up One-quarter on Curb

	High	Low	Close	Net Change	Sales
Technicolor	9¾	9⅝	9¾	+ ¼	200

Pathe Bonds Drop One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3¼	3½	+ ¼	4
General Theatre Equipment 6s '40, ctf	3¼	3	3	— ¼	5
Keith B. F. 6s '46	46	46	46	—1	22
Paramount Broadway 5½s '51	29	29	29	+ ¾	1
Paramount F. L. 6s '47	23⅝	23	23⅝	+ ¾	3
Paramount Publix 5½s '50	23¾	23¾	23¾	—2	1
Pathe 7s '37, ww	81½	81½	81½	—1	1
Warner Bros. 6s '39, wd	38¾	38¾	38¾	— ⅛	1

Purely Personal

DON DEAN, Hollywood musician, who has recently made something of a sensation as a broadcaster in Buenos Aires, arrived last night by plane and will leave for Chicago Monday to appear at the American Radio Manufacturers' Show.

MARGARET SULLAVAN sailed yesterday on the *Santa Cecelia* for the coast. She will start work in "Little Man, What Now?" for Universal as soon as she arrives.

ARTHUR HORNBLOW, JR., new associate producer for Paramount, will arrive here Tuesday from the coast on the *Virginia* to discuss production plans.

HARVEY B. DAY, special representative for Terry-Toons, has just returned from a tour of Fox exchanges in the middle west and east.

COLLEEN MOORE expects to leave Monday by plane for the coast. She is finishing work in MARSHALL NEILAN'S "Social Register."

AL CHRISTIE will start STOOPNAGLE and BUDD in an Educational short on Monday at the Eastern Service Studio.

T. K. GLENNON, vice-president of Eastern Service Studio, will return from the coast Monday.

LENORE ULRIC leaves for Hollywood today to begin work on her first picture for RKO Radio.

GEORGE GIVOT is at the Warwick.

Pierson Quits Weldon

Wayne Pierson has resigned as general sales manager of Weldon Pictures and plans to take a government post shortly, Maxwell Cohen, president of Weldon, is taking over sales supervision.

Beery to Century Again

HOLLYWOOD, Dec. 1.—Wallace Beery has been borrowed by 20th Century from M-G-M for a second time. He will go into "The Great Barnum" as soon as he finishes work in "Viva Villa."

Ginsbergs Celebrate

Henry Ginsberg, vice-president and general manager of the Hal Roach Studios, has arrived in town to help his parents, Mr. and Mrs. David Ginsberg of 40 West 77th St., celebrate their 50th wedding anniversary today.

Morgan Back on Coast

HOLLYWOOD, Dec. 1.—Mr. and Mrs. Ralph Morgan have arrived by plane from New York, where the actor did a single at the State. Plans for Thanksgiving in the east were cancelled because of a film engagement.

Rogers Coming East

HOLLYWOOD, Dec. 1.—Charles R. Rogers will leave for New York on Sunday in search for talent and stories and plays to make up the balance of his 1933-34 program.

Expect Code Authority to Meet Soon

(*Continued from page* 1)

mission prices, average attendance, days and hours of theatre operation and minimum and maximum salaries of employes.

An early function of the code authority will also be the naming of 32 local grievance boards, one for each exchange territory, to hear local complaints other than those concerning clearance and zoning. These boards, however, are not expected to get into operation until the code has been in effect for some time. Exhibitors and distributors who have not signed the code by Jan. 10 will be barred from filing complaints with local grievance boards, but may have complaints filed against them by those who have signed.

Indications are that of outstanding importance in the early stages of the code authority will be the investigations which are required under the President's executive order, although Administrator Hugh S. Johnson admitted yesterday that he had made no final decision as to the method to be employed in making the inquiries required.

Under some codes where investigations were ordered, he pointed out, the inquiries were made by the code authorities, while in a number of other cases special committees were set up to carry out the investigations. In addition to these two methods, General Johnson has a third choice in the Federal Trade Commission, which is authorized by the Recovery Act to furnish such information as may be within the scope of its activity. It is believed here that the investigation required by the executive order could well be carried out by this agency.

Radio Code Signed

WASHINGTON, Dec. 1.—President Roosevelt has signed the code for radio broadcasting and will appoint three of the nine members of the code authority.

Letters to Go Out

Washington, Dec. 1.—Letters of notification formally advising recipients of their appointment by President Roosevelt to membership on the code authority will be sent out by the National Recovery Administration over the signature of Administrator Hugh S. Johnson within the next day or two, it was stated here yesterday.

This procedure is somewhat out of the ordinary in NRA code routine, since practically all other codes provide for the election of code authority members by the industry concerned. Under the film code, the code authority personnel was named by President Roosevelt.

Kuykendall Looks For "Square Deal"

(*Continued from page* 1)

and the honest support and cooperation of all exhibitors and exhibitors' organizations." He urged a change in tactics for organizations which have been opposing the code which would enlist their aid in "making the code machinery work fairly for all concerned.

"If the local boards do their jobs intelligently and fairly," Kuykendall said, "the code authority should have little to do in settling local disputes and controversies. Much can be done by these local boards to restrain unfair and stupid cut-throat competition, remove abuses, fairly settle local controversies and really improve trade relations."

Kuykendall paid tribute to Deputy NRA Administrator Sol. A. Rosenblatt for his work on the code and the results he obtained.

Administration to Defer Naming Two

(*Continued from page* 1)

sentatives without voting power. Thus far, Dr. A. Lawrence Lowell, president-emeritus of Harvard, is the only one named by the Administration.

It was pointed out by the Administrator that code authorities can function without the government members, because the deputy administrator in charge of the code can take such action as might be required during their absence.

It was explained that in order to select the government representatives for the code authority it may be necessary to make a survey of people outside the industry. In addition, General Johnson admitted, he is desirous of watching closely the operation of the code during its early stages.

Trade Ass'ns Best Authority: Johnson

WASHINGTON, Dec. 1.—Indicating that trade associations may eventually take over the work of code authorities, General Hugh S. Johnson today stated that "As I see it the ideal authority is the trade association." He said efforts will be made to build up trade associations along uniform lines so that they may take over the work of code authorities for every industry.

No successor has been named to replace General T. S. Hammond, former head of the NRA trade association division. This division will be strengthened as an individual unit and will not be merged with any other section of the NRA, Johnson stated.

Grievance Board to Get Chicago Cases

CHICAGO, Dec. 1.—The grievance board for this territory, when it is completed, will find itself facing a tough program of five cases involving alleged unfair protection. Several of these cases, it is now learned, have been on the verge of being taken into court.

The exhibitors involved, it is reported, have been prevailed upon to hold up any action pending the naming of the new grievance board under the industry's code.

Ohio MPTO to Hear Sol A. Rosenblatt

COLUMBUS, Dec. 1.—Deputy NRA Administrator Sol A. Rosenblatt will address the annual convention of the Ohio M. P. T. O. on Tuesday. Efforts are being made by P. J. Wood, business manager of the association, to have Jack Miller of Chicago talk on the labor provisions of the code.

The convention, the organization's 12th, will be a two-day affair, climaxing, as usual, on Wednesday with a banquet at the Deshler-Wallick, where the business sessions will hold forth. Governor White, Dr. B. O. Skinner, director of education in whose department censorship powers are vested, and Rabbi Jacob Tarshish are slated among the speakers.

Carlton Dargusch, member of the Ohio Tax Commission and White's advisor on taxation matters, will talk at one of the business sessions on the new state's admission tax and chances for a repeal when the legislature reconvenes here in January.

Rosenblatt Future Stirs Speculation

(*Continued from page* 1)

stay through December, at least. There is also a possibility that he may be named as one of the government representatives on the code authority, a choice which would be approved by the great bulk of industry leaders who participated in the code drafting, according to sentiments expressed by them in Washington.

Deputy Rosenblatt is in New York for the week-end, but could not be reached at his home yesterday for comment on the Washington report.

TOCC Is Numbered Among Code Signers

The T. O. C. C. has joined the other exhibitor units which have signed the industry code. The signature was affixed prior to President Roosevelt signing the draft. Charles L. O'Reilly, president of the unit, was one of the coordinators in drafting the code and is now a member of the code authority.

A mass meeting of all independent exhibitors in the metropolitan area will be called by the T. O. C. C. either Dec. 12 or Dec. 13. Deputy NRA Administrator Sol A. Rosenblatt will attend as one of the principal speakers.

Tracy Gets Rogers Offer

HOLLYWOOD, Dec. 1.—Charles R. Rogers has offered Lee Tracy $3,700 a week for one picture, "Baby in the Ice Box." The actor is now reading the story.

"U" Finishes Bus Story

HOLLYWOOD, Dec. 1.—Universal has won the race to be the first to complete a bus story. "Cross Country Cruise" has gone to the cutting room.

Colman Film Picked

HOLLYWOOD, Dec. 1.—Ronald Colman's first starring picture under Darryl Zanuck's new policy will be "Bulldog Drummond Strikes Back."

Speedy Code Service Given By M. P. Daily

Practically every film executive from Chicago east found the MOTION PICTURE DAILY 36-page code edition on his desk at 9 o'clock Friday morning with the code printed in full and with all the latest developments in connection with it.

Plans for fast delivery were worked out weeks in advance so that the long-awaited industry regulations could reach the DAILY readers without delay.

A few seconds after Administrator Johnson reached his office from Atlanta and released the signed version of the code to the waiting newspaper men the President's executive order and memorandum were on the telegraph wires. Changes in the final draft as signed by the President were compared with the third revision by long distance phone.

Presses were kept running all night to get the record-size DAILY out in the shortest possible time. Deliveries to distant points were made by air mail.

Independents Delay Any Action on Code

(*Continued from page* 1)

States officials also declined comment until after the scheduled Dec. 12 meeting of the organization's leaders to give final consideration to the code.

The 10 industry executives appointed to the code authority by President Roosevelt were still awaiting formal notification from the NRA yesterday and declined to comment on their appointments in advance of receipt of the formal notice.

Cooper Arrives Today

Merian C. Cooper, Radio Pictures executive producer, arrives today from San Francisco, where he has been recuperating for several weeks from an illness. He will confer with RKO executives here on production matters, returning to the Coast in about a week.

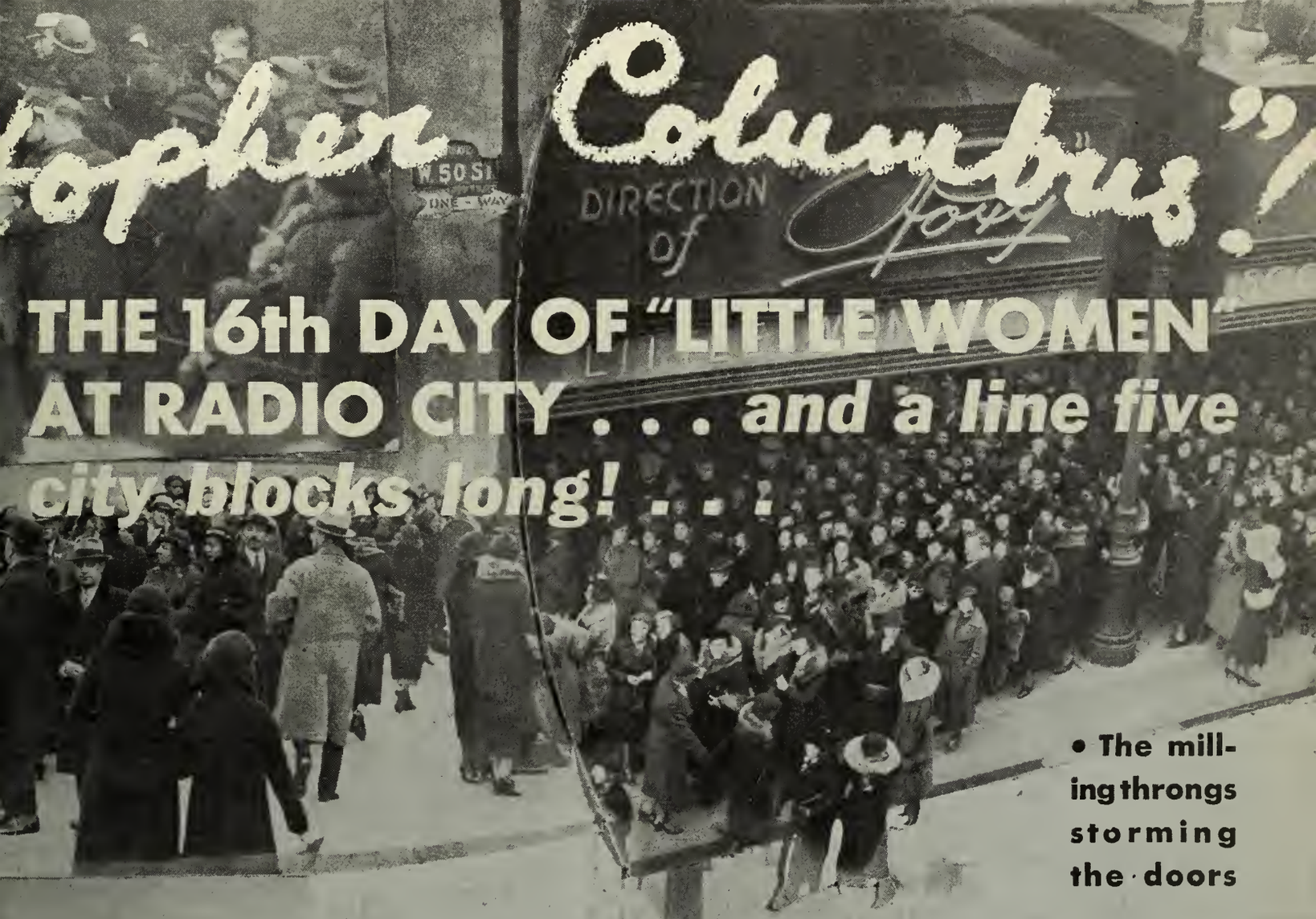
First in Chicago

Chicago, Dec. 1.—Today's *Motion Picture Daily* stopped work and sidetracked temporarily the morning routine of opening home office mail as copies were distributed in B. & K. offices, and Warner, RKO, Paramount, M-G-M, U. A., Universal and other exchanges.

At a meeting of the Film Board of Trade today President Henry Herbel officially expressed the appreciation of the board members for the great service. Jack Miller added: "We've been waiting for this code and you are giving it to us first."

Everywhere there was enthusiastic praise.

"CHRIS
Looking East
from 6th Ave.



THE 16th DAY OF "LITTLE WOMEN" AT RADIO CITY . . . and a line five city blocks long! . . .

• The milling throngs storming the doors

10 a. m. on the 16th day of its New York run and 20,000 people milling, crowding, storming the Music Hall doors . . . three times as many waiting in the cold as could be admitted at any time!

This week . . . throughout America in more than 200 key cities attendance records are crumbling before the mighty onrush of a sea of people eager to spend their "earmarked" money for a picture that will live on forever in glory undimmed!

RKO RADIO PICTURE

Looking West from 5th Ave.

Chains Fade, Wis. Ind'p'ts Up in Number

(*Continued from page 1*)

the Warners rose in the ascendancy until today Brothers Harry, Abe and Jack are the big noises in the Wisconsin exhibition field.

That does not mean all is rose-colored with them. Using as a nucleus for circuit representation the de luxe theatres which Carl Laemmle undoubtedly wishes he never had built, the Warners got a toe hold when Dan Michalove, now theatre contact for Sidney R. Kent with the Skouras Brothers, bought for them the very houses he had built at Laemmle's orders. The twists of fate are often peculiar in this business.

Currently, the Warners are in opposition to the Skouras operation, or what's left of it since Fox Midwesco was docketed in the bankruptcy court. Where 16 theatres made up the Warner roster about this time in 1932, today the circuit has kicked up its total to 24 and all of them are operating. The flagship is the 3,000 seat Warner in Milwaukee; trailing it on rough seas is the 1,400 seat Strand, now in its seventh choppy week.

Two Companies Formed

A couple of weeks prior to the Fox Midwesco court action, two new companies were formed. One was the Wisconsin Amusement Enterprises; the other, Statewide Theatres. It is merely accurate reporting to reflect what a substantial portion of the Milwaukee film industry is saying: that those two new corporations came into being at a most peculiar time.

Current, as well, is the well-defined impression, minus the definite facts to back it up, that the reason behind the step had to do with good and bad theatres; that Wisconsin Amusement was designed to herd under one corporate banner the houses which the Fox interests wanted to keep; that, similarly, Statewide was figured as the sponsor of the houses considered both not so hot and consequently not so desirable.

Theatremen's gossip also has it Chase National, or interests either identified or controlled by Chase, are on the theatres now handled through Wisconsin Amusement, while leases on which the Saxes had gone personally make up the Statewide aggregation.

What's happened to Fox Midwesco's original 47 makes an interesting yarn. The Wisconsn is controlled by a unit known as the Fox Wisconsin Corp. The bondholders are in command and the enterprise to date has sidestepped any complications beyond that.

Wisconsin Amusement Enterprises is guiding the destinies of 19 theatres which spread themselves over nine towns. They are Beaver Dam, Fond du Lac, Green Bay, Madison, Milwaukee, Stevens Point, Wausau, West Allis and Marinette.

Statewide is in bankruptcy, a mess and a split that has gone half a dozen ways. It had 17 of the original Midwesco houses, but today the Saxes, functioning as Saxe Amusement Management, Inc., are running nine either for themselves or because they were among the bondholders.

Thirteen of the original set-up have reverted to their owners or to independent operators. Many of these were among the 17 Statewide held and two are inactive because of demolition or closing.

Warners Have 8,000 Seats

Seven have been acquired by Warners, giving that circuit approximately 8,000 of the seats once controlled by Midwesco for the principal benefit of Fox and Fox playdates. Known around the New York office headquarters as the rear end of the national circuit, Warner activities here at close range emphasize the fact. The Wisconsin circuit is proceeding at a loss of about $20,000 a week.

The picture has been changed to reduce the cash loss, it is true, but the figures combine to be dyed deeply in red. And while they may some day change their spots into the much-coveted black, the chances are slim unless show business accidentally finds itself in a millennium. Nobody is figuring on that.

The direct results of what is a revolutionary change for Milwaukee and Wisconsin have thus brought 15 new independent exhibitors into the field. The circuits persist in their diffused form, of course; the tussle for chief honors continues between Warners and Skouras, which is Fox, but in between are the exchanges which continue to sell the big fry, plus these new individual situations which last year were not around.

Where the downtown first runs get breath fitfully from their afternoon business, the Milwaukee neighborhoods find the reverse holds in their case. Matinee trade off the main stem is so negligible that the majority of neighborhoods don't even bother to open. They get their break at night, such as it is. Here, as elsewhere, theatremen always complain; if they didn't, they'd find rentals jumping. But while Milwaukee's outlying houses, in conclusion, could stand much more excitement than exists now, it is significant that every single one of the 77 in the city is keeping its doors wide open. There is some wonder as to why, but statistics cannot be altered.

All Are For the NRA

Once the plaints of the business are left behind and a closeup of the general economic situation here is studied, the panorama tinges itself with some sunshine. Film men generally are for the NRA, but, at the same time, assert they have seen none of its vaunted benefits in Milwaukee. That may change shortly.

At least 50,000 men are expected to be put to work in Wisconsin as the result of a $9,700,000 Federal job program for the state. Of this sum, Milwaukee hopes to receive from $3,500,000 to $4,000,000 which will result in placing 5,500 men, formerly working part time on relief jobs, on a full-time basis. It is further hoped to employ 5,500 more men on a 30-hour week basis by early December, cutting down Milwaukee County relief by 11,000 families thereby.

Including the 5,500 on part-time jobs, the Milwaukee county relief lists now include 26,000 families and 5,000 single men. The city with a population of approximately 600,000, if it continues its policy of issuing no new bonds and retires maturing ones promptly, will cut its present bonded debt of $40,000,000 in half in the next six years.

With the allotting of 18,107 civic works jobs to Milwaukee County out of 68,000 for Wisconsin, the relief list for the county has dropped to 67,120 individuals, the lowest point in more than two years. A decrease in families receiving relief as of Nov. 1, 1933, was reported with 17,826 families and 5,053 individuals on county aid as against 29,103 families and 5,302 individuals on Nov. 1, 1932.

Financially, Milwaukee is not so badly off. The city has $13,525,000 in assets in excess of liabilities, according to a recent report, the excess of which is largely made up of delinquent taxes representing the equivalent of cash. Last year Milwaukee borrowed $3,000,000 from banks, but present indications are the city will not be obliged to borrow money this year.

As indicated by the receding relief figures employment in the state's first city has shown an improvement during the year. Figures culled from 50 representative industries stood at 28,394 on Nov. 1, 1933, as against 19,295 on Nov. 1, 1932. The current Nov. 1 figure represents a slight decline, however, from Oct. 1, 1933, at which time employment in the same industries stood at 29,164. These figures compare with a peak employment of 44,067 in June, 1929, for the same industries.

Metal Trades Fall Off

For the first time since March, employment in metal trades fell off during October. The decline was caused largely by layoff of night forces engaged in special rush work. October employment in 40 shops was 11,515 compared with 12,399 in September, a decrease of 884. Average number of hours worked per week was 31.8, compared with 34.7 in September.

The October figure compares with 7,505 employed in March, the year's low point. The report shows October employment was far above that of a year ago, the number employed in 36 shops being 10,388 against 7,462 the same month last year.

This is significant in view of the fact that, as the chief metal trades city in the country, Milwaukee is expected to get a good slice of the initial $50,000,000 of orders which Maxim Litvinoff, Soviet commissar for foreign affairs, said he had ready to award when he arrived in this country several weeks ago. Milwaukee also looks forward to an increasing volume of business with the Soviet Republic

A $765 Week

Milwaukee, Dec. 1.—Which makes first run operators hold their heads in their hands:

One downtown house here recently grossed $765 on the week. The extent to which it dipped into the scarlet would pay for a tour around the world, first-class.

More grief:

While the Alhambra, backing "Only Yesterday" with a big campaign, did about as much business as the Wisconsin with "The Prizefighter and the Lady" (and no show) and the Palace with "Take a Chance" (plus 12 acts) combined, its gross was, nevertheless, 25 per cent under the same week in 1932.

Unaffiliated Ranks Gain 15 In Milwaukee

later, as do other important Wisconsin cities.

Although employment increases warranted the state industrial commission's putting the 1931 compulsory unemployment insurance law into effect, the commission will delay such action until March 1, 1934. July, August and September employment indices all were more than 20 per cent above the December index, thus fulfilling a requirement set by the 1933 legislature before the law should be put into effect.

Compared with last December, July employment was up 29.1 per cent, August 31.8 and September 35.5 per cent. Wisconsin factory payrolls for August stood at 50.9 per cent above the same month last year and factory employment was 28.7 above the same month in 1932. For October of this year industrial employment was well sustained and compared favorably with September of this year.

One of the state's bright spots is Janesville, a city of 21,500, which is welcoming back the Chevrolet Motors and Fisher Body plants which were closed a year ago October. The reopening is expected to return between 1,200 and 2,000 people to work by the end of November and lift a county relief load of 750 families.

Taverns Are Problem

Another impending benefit is brewing in relief from the serious low-priced theatre competition of the several thousand Milwaukee taverns into which holes in the wall have been converted. With approximately from 2,000 to 4,000 of these so-called night spots operating in the city employing an estimated 3,000 hostesses and entertainers, women's organizations are burning up Mayor Hoan for a tightening of the ordinances which permit them wide freedom in operation. The mayor already has asked the council

(*Continued on page 7*)

548 Possibilities

Milwaukee, Dec. 1.—Exchanges here serve the state of Wisconsin and the upper peninsula of Michigan.

Ben Koenig, secretary of the Film Board, brushing up statistics for *Motion Picture Daily*, supplies this data:

Possibilities in Wisconsin total 487 houses, seating 258,567. Possibilities in the peninsula total 61 houses, seating 27,281. Total served, or capable of being served out of this city, therefore is 548 theatres, seating 285,848.

There are approximately 44 producer-affiliated houses in the territory, all of them in Wisconsin. Warners and Skouras have them all. Independent circuits are in excess of 15 and so individual operator has the edge—numerically.

Chains Fade, Wis. Ind'p'ts Up in Number

(Continued from page 6)

to revise the present theatre code which he claims is too lax and covers too much loosely defined territory in point of what is moral and immoral.

An ordinance regulating the sale of liquor now permitting sale on the same floor housing the taverns themselves, but exempting clubs, hotels and restaurants with private dining rooms, has been referred to committee. Tavern proprietors are after an extension of the curfew regulations from 12:30 to 3 A.M., but the move is on in theatre circles to fight it on the ground, not to be expressed before the city fathers, that such extension will divert additional money which, reasonably enough, might otherwise find its way into the box-office.

Wisconsin is a rural market. Fifty-four of its 71 counties are dominated by farm trade. Therefore, when any question involving the NRA or the AAA is poised, this dope sheet is placed before any investigator of the facts. Where either or both of these Federal agencies has gotten in its inning, conditions have improved and with them theatre business.

Here, as elsewhere, the determining factor is the product. Many small town, up-state showmen are dissatisfied with current production trends. They declare themselves hungry for family type pictures and maintain they are getting anything but.

On repeal, there is no excitement and not much anticipation. Whatever anticipation does prevail rests on the expectation liquor manufacture will send up the purchasing dollar curve by putting more people to work. On that basis, it is figured theatres may reap some of the benefit.

On the code, there is no particular viewpoint. A fair cross-section of opinion on that count runs something like this:

"We are heading for it whether we like it or not. Deputy Administrator Rosenblatt in his speech before the convention last week painted a pretty picture when he didn't get too legal. We hope it's what he says it will be, but we'd rather swap the code and what it may bring forth for a steady supply of box-office pictures that won't offend family trade, if that were possible to guarantee which we know it is not."

MADISON, Wis., Dec. 1. — This city, the seat of the state capitol and the University of Wisconsin with a population of some 60,000, is about 80 miles from Milwaukee. It has always been recognized as a good show town and represents a high purchasing power. At present about 1,812 unemployed persons are now receiving relief in the Madison area.

Since the Midwesco blow-up, however, competition has been pretty keen with Wisconsin Amusement Enterprises, Inc., operating the Orpheum, Parkway and Strand, and Warners operating the Capitol. Both the Orpheum and the Parkway have been playing first runs as has the Capitol. In addition there are two independent houses, the Majestic and Eastwood.

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Two More Colonels

E. T. Gomersall, Universal sales manager for the western division, and F. J. A. McCarthy, eastern division sales manager, have joined the growing army of Kentucky colonels. Their commissions arrived from Gov. Ruby Laffoon yesterday.

Canadians Ask New Loew Directorate

(Continued from page 1)

in arrears $38.50 per share, but the cost of films to the company has been advanced from $53,559 in 1928 to $117,613 in 1932. Waler points out that three directors of the Canadian company are directors of Loew's, Inc., and Marcus Loew's Booking Agency, which sells films to the Canadian company. Production costs were at a peak in 1928, he says, but film costs to the Canadian company have doubled in five years of declining prices.

Twenty of the largest shareholders are working with the Royal Trust Co. on a committee. The trust company is controlled by Sir Herbert Holt, who is closely associated with N. L. Nathanson, president of Famous Players Canadian. Loew's operates the Yonge St. Theatre here and owns the Uptown, which is operated as a first run by Famous Players under an annual rental arrangement.

Para. Men on Road For Selling Drive

(Continued from page 1)

on the way for conferences with branch managers.

J. J. Unger and Milt Kusell returned Wednesday night from Washington and Philadelphia and on Tuesday plan to visit the Albany and Buffalo branches.

Stanley Waite is planning to leave on a trip but hasn't definitely scheduled his tour. George J. Schaefer, general manager, plans to make a circuit of the exchanges in the near future.

Canadian Women Demand Censorship

TORONTO, Dec. 1.—A deputation of the Toronto Federated Women's Institute has asked the Ontario cabinet to seek the establishment of a Federal film censor board to replace the present eight provincial censor boards.

Representation for each province is being urged, so that local opinions will be reflected.

Pickford Trip Delayed

HOLLYWOOD, Dec. 1.—Mary Pickford has postponed her business trip to New York from the first week in December. The actress is waiting until after the Christmas holidays, so that Gwynne Pickford, her niece, can accompany her.

To Start in Richmond

RICHMOND, Dec. 1.—Work on a new $60,000 theatre at Westhampton avenue within two blocks of the Byrd is to start soon, according to Walter J. Coulter.

Wehrenberg Sees Repeal As Film Aid

ST. LOUIS, Dec. 1.—Repeal ought to help theatres by cutting the price of liquor and transferring some of the burden of taxation from amusements to distilling, declares Fred Wehrenberg, head of the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois.

If liquor coses less, people will have more to spend on amusements, he reasons. What its other effects will be are pure guesswork, he points out.

Before prohibition its proponents declared abolition of the corner saloon would end poverty, restore prosperity and send everybody who had been hanging around beer parlors to theatres, but it didn't. People spent more money for liquor than they ever did before and part of the cost of fruitless efforts to enforce the prohibition laws fell on the amusement industry, Wehrenberg points out after sounding the sentiments of exhibitors generally in this territory.

"Those who now predict repeal will result in a national orgy of boozing are as far off as those who believed the 18th Amendment would bring lasting prosperity," he says.

"Undoubtedly it will increase employment. More money will be put into circulation. Tax income from liquor will cut taxation on other industries. The eventual benefits will reach theatres."

Oklahoma Unworried; No Repeal Till 1934

OKLAHOMA CITY, Dec. 1.—There has been much discussion here on how repeal will affect theatre business, but Oklahoma will not have to worry about the liquor situation until July, 1934, when the state law is voted on. Theatre men in Oklahoma City don't seem to be worried.

Pat McGee, zone manager for Cooper-Publix, says: "I believe people who have been using liquor will continue to use it and that theatres will not be particularly affected one way or the other."

Morris Lowenstein, president of the Theatre Owners of Oklahoma:

"I believe people will be using their money to purchase the necessities of life and won't have a lot to spend on alcoholic drink. Certainly any reemployment following repeal will help grosses."

Skouras Enterprises Tax Ruling Entered

ST. LOUIS, Dec. 1.—Through a stipulation of counsel the Board of Tax Appeals at Washington has entered a deficiency judgment of $8,232 covering income taxes from March 25 to Dec. 31, 1920, against Skouras Brothers Enterprises. The company is now in bankruptcy.

On another item for $4,136 covering the period from Jan. 1, 1921, to Feb. 27, 1921, the board reversed the commissioner and allowed the company's claim for additional allowances for deductions, depreciation and organization expenses.

Holiday Rush Sends B'way Takes Soaring

(Continued from page 1)

on that thoroughfare to 51st St. Blasting was halted by Radio City excavators working at the 51st St. corner in order to safeguard the crowds.

The Capitol, where M-G-M's "Dancing Lady" opened on Thangsgiving Day instead of Friday, as customary, reported an opening day attendance of 18,256, said to be the largest single day's business there in 14 months. Police reserves were required to handle Thursday's crowds and capacity business continued throughout yesterday.

The Paramount wound up a seven-day engagement of "Take a Chance" on Thursday to business reported to be near capacity, although the theatre declined to divulge attendance or gross figures. With the opening of "Sitting Pretty" yesterday, and Gary Cooper in the stage show, holdouts were the order throughout the day, with theatre officials comparing business to that done during the opening week of "I'm No Angel."

The Hollywood reported that Warners "The House on 56th Street" bettered the opening day gross of "The World Changes" by $720 on Thursday. Capacity business throughout yesterday was also reported. First National's "Son of a Sailor," drawing capacity crowds of school children and their parents gave the Strand its best business yesterday since "Gold Diggers of 1933" opened at the house, Warners reported.

The old Roxy, with Fox's "Hoopla," grossed $9,000 on Thursday with capacity patronage of 20,000 admissions, and continued the capacity pace yesterday with 12,000 admissions for the first two shows.

Business at the Mayfair, where M-G-M's "The Chief" is current, and at the Palace, where Universal's "The Invisible Man" is playing, have been near-capacity for the past two days. Broadway subsequent runs and the two-a-days had the same business story to tell. The S. R. O. signs were out at the Criterion, with Paramount's "Design For Living," and at the Astor, where M-G-M's "Eskimo" is current.

PITTSBURGH, Dec. 1.—Radio's "Little Women" broke all attendance and money records on its opening day at the Stanley here, grossing $5,950 on 14,900 admissions yesterday with the aid of holiday price scales. Waiting lines extended for blocks and thousands were turned away. The picture will be held for a second week, the first time a film has ever been held over here.

LaGuardia at Gambol

Mayor-elect Fiorello H. LaGuardia will head the list of guests at the Lambs' Repeal Gambol at the Astor Thursday night. Others expected include L. W. Robert, Jr., Ed Wynn, Ethel Barrymore, Mme. Maria Jeritza, John McCormack, George M. Cohan, Col. Marvin H. McIntyre and Stephen Early, Frank Hawks and Rear Admiral Yates Sterling, Jr.

Oklahoma City Grosses Drop In Poor Week

OKLAHOMA CITY, Dec 1.—Local theatres hit an average week of $17,200 last week, a considerable drop from the $24,700 the previous week.

Although the Midwest has not been reopened long enough to strike an average, it will probably have a par figure of approximately $5,000. "Paddy, the Next Best Thing" brought $5,000 last week.

"Bombshell" gave the Criterion an average week of $5,000. The Capitol playing "My Weakness" did $3,000, which is par. "Hell and High Water" and "King for a Night" set in at the Liberty brought average business of $3,000.

Total first run take: $17,200. Average, $12,200.

Estimated takings for week ending November 25:

"BOMBSHELL" (M-G-M)
CRITERION — (1,700), 10c-20c-26c-36c-41c. 7 days. **Gross:** $5,000. (Average, $5,000.)

"PADDY, THE NEXT BEST THING" (Fox)
MIDWEST—(1,500), 10c-36c-56c, 7 days. **Gross:** $5,000. (Average not set.)

"MY WEAKNESS" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c. 7 days. **Gross:** $3,000. (Average, $3,000.)

"HELL AND HIGH WATER" (Para.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,800. (Average week, $3,000.)

"KING FOR A NIGHT" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,200. (Average week, $3,000.)

"NO MARRIAGE TIES" (RKO)
VICTORIA—(800), 10c-15c-20c-26c, 3 days. **Gross:** $700. (Average week, $1,200.)

"CAPTURED" (Warner)
VICTORIA—(800), 10c-15c-20c-26c, 4 days. **Gross:** $500. (Average week, $1,200.)

"Angel," Portland Holdover, $6,000

PORTLAND, Dec. 1.—Extended runs on three outstanding pictures were the rule during the past week, despite a lull in other lines of business. "Footlight Parade" was moved to Hamrick's Oriental, and grossed $3,500, or $1,500 over normal. "I'm No Angel" had another good week at the Liberty with an intake of $6,000, or $4,200 over average. It was continued a third week.

"Only Yesterday" grossed $4,000 at Hamrick's Music Box or $1,000 over average. This also was held over.

Other houses were considerably below average. Total first run grosses were $30,000. Average is $30,800.

Estimated takings for the week ending Nov. 24:

"FEMALE" (F.N.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $6,000.)

"I'M NO ANGEL" (Para.)
LIBERTY—(1,800), 25c-35c-40c, 2nd week, 7 days. **Gross:** $6,000. (Average, $1,800.)

"ONLY YESTERDAY" (Univ.)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000.)

"FOOTLIGHT PARADE" (Warners)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $3,500. (Average, $2,000.)

"BIG EXECUTIVE" (Para.)
PANTAGES—(1,700), 25c-35c-40c. Vaudeville. **Gross:** $4,000. (Average, $8,000.)

"MY WEAKNESS" (Fox)
PARAMOUNT — (3,008). 25c-35c-40c-50c. Vaudeville. **Gross:** $4,000. (Average, $5,000.)

"PRIZEFIGHTER AND THE LADY" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000.)

Looking 'Em Over

(Continued from page 2)

"The Chief"

(M-G-M)

There is a lot of entertainment and plenty of laughs in this fast-moving comedy, which has been made to measure for Ed Wynn's nonsense. Parts of it are purely slapstick and the ending, which reveals to the audience for the first time that the story is a picturization of an Ed Wynn radio broadcast, appears less satisfying than an ending which would have carried the story to its own conclusion. However, the picture merits a good comedy rating, regardless.

The broadcast sequence, however, is not without its value in identifying Wynn to audiences that know him only as an air attraction.

Wynn is made honorary chief of a fire battalion in recognition of the heroism of his fire-fighting father. By a comic accident he becomes a fire hero himself and his popularity in his district is so great that politicians put him up for alderman. A rival political crowd, fearing their own defeat, kidnap Wynn's mother and threaten to dispose of her unless he retires from the race. His own managers frustrate his efforts to withdraw, and as the situation attains a comic climax the story is broken off to reveal Wynn in the broadcasting studio, where he completes the telling of the story before the microphones.

Wynn is supported by an excellent cast which includes Dorothy Mackaill, "Chic" Sale, William Boyd, Nat Pendleton and George Givot. The latter, a stage recruit, contributes two outstanding comedy sequences as a Bowery tailor of foreign descent.

"Through the Centuries"

(Beacon)

Rev. Francis X. Talbot, S.J., went through the pages of religious history from the days of Nero in Imperial Rome and the teachings of the Saviour in Palestine down to the far-flung modern missions of the Catholic Church when he wrote this story, and Mrs. Rita McGoldrick went through all the film libraries of the world from the time of "Cabiria" to the latest newsreel earthquake shots to illustrate it.

It is a remarkable film, a mixture of reverence in the scenes where the life of Christ is introduced, with melodrama, spectacle, horror, war and travel scenes. It has some of the best shots of "The Big Drive." Most of the scenes showing the Vatican, Pope Pius, various Eucharistic congresses, and mission workers are newsreel shots.

The editing is so well done that each slow moving scene is balanced with a terrific punch. Considerable music is introduced and there is a running narrative by Pedro De Cordoba.

The picture opened last night at the Warner Theatre and is expected to run two weeks or more. After that it is to be shown on a roadshow basis, with each showing sponsored by some Catholic organization. It is to be handled by the Catholic Cinema Service Division of Beacon Films.

Flash Reviews

"Smoky"

(Fox)

Will James' popular novel "Smoky" is transferred to the screen with sympathy and appeal . . . the author appears in the film, adding to its attractiveness. . . . "Smoky" is not a "horse opera" or even what the trade knows as a western . . . it is a classic of the romantic west . . . it will please all types of audiences.

"Roman Scandals"

(United Artists)

"Roman Scandals" is Eddie Cantor . . . Gorgeous Goldwyn Girls . . . music, mirth and thrills . . . singing "Be Young and Beautiful" the hit number . . . the entire production is mounted with splendor and magnificence . . . compared to Cantor's previous attractions . . . it stands on its own feet.

"The House on 56th St."

(Warners)

A distinct and mellow charm about the first half . . . Kay Francis gives one of the best performances she has shown in some time . . . Robert Florey has directed ably . . . Francis yields several scenes to John Halliday and Margaret Lindsay.

"The Last Trail"

(Fox)

George O'Brien and Zane Grey fans will whoop it up over this one. It has never a dull moment in its entire footage and is endowed with humor without stint. . .

"Bean" Good Draw in K. C. With $14,250

KANSAS CITY, Dec. 1.—While "After Tonight," plus "Strike Me Pink" on the stage, gave the Main-street $15,000 for top money, "Christopher Bean" was the best straight film draw, registering $14,250 at the Midland. "Sweetheart of Sigma Chi," an Uptown attraction, took $3,900, better than par.

Total for the week was $37,150. Average is $33,000.

Estimated takings:

Week Ending Nov. 23:

"CRADLE SONG" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $4,000. (Average, $6,000.)

"AFTER TONIGHT" (Radio)
MAINSTREET — (3,049), 25c-40c-60c, 7 days, plus Saturday midnight show. Stage: "Strike Me Pink," featuring James Barton, Leota Lane, Billie Leonard. **Gross:** $15,000. (Average, $14,000.)

Week Ending Nov. 24:

"CHRISTOPHER BEAN" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $14,250. (Average, $10,000.)

"SWEETHEART OF SIGMA CHI" (Monogram)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,000.)

"Henry VIII" Hits $7,800, Providence

PROVIDENCE, Dec. 1.—"The Private Life of King Henry VIII" garnered a neat $7,800 at the Paramount last week. This is big money these days for this house. Humorous ad plugs and trailers did much to convince patrons in advance that it was not a highbrow costume picture.

Next in line was "Christopher Bean" at Loew's State. It went to $12,800, over par by $800. Maria Gambarelli was on the stage. Fay's drew par with "College Coach" and the Albee was a trifle off with "The Invisible Man."

Total grosses for the week were $41,400. Average is $40,500.

Estimated takings for the week ending Nov. 23:

"THE PRIVATE LIFE OF HENRY VIII" (U. A.)
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $7,800. (Average, $6,500.)

"COLLEGE COACH" (Warners)
FAY'S—(1,600), 15c-40c, 7 days. Radio Ramblers on stage. **Gross:** $7,000. (Average, $7,000.)

"FOOTLIGHT PARADE" (Warners)
MAJESTIC—(2,400), 15c-40c, 7 days, 2nd week. **Gross:** $6,200. (Average, $7,000.)

"CHRISTOPHER BEAN" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. Maria Gambarelli on stage. **Gross:** $12,800. (Average, $12,000.)

"HOLD THE PRESS" (Col.)
"GAMBLING SEX" (State Rights)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000.)

"INVISIBLE MAN" (Univ.)
"CHANCE AT HEAVEN" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000.)

Jones Gets RCA Post

Harry W. Jones has been named sound supervisor in charge of all the RCA Victor recording in New York. He was formerly sound engineering advisor to Photophone sound licensees here and in Hollywood.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 130 NEW YORK, MONDAY, DECEMBER 4, 1933 TEN CENTS

10% Cancellations to Apply on Old Contracts

Memphis Set In Midst of Dry Section

Surrounding States Not Affected by Repeal

MEMPHIS, Dec. 3.—Exhibitors in this area are not interested in the prospective benefits of prohibition repeal for the simple reason that this entire section will probably remain as dry hereafter as heretofore.

All the states in the Memphis trade territory are bone dry, have been since long before the prohibition era, and there are laws on the statute books which could not be pried off under any circumstances. These states, Mississippi, Arkansas and Tennessee, are proverbially dry. The fact that two of them, Arkansas and Tennessee, voted for national repeal means little now. Tennessee barely squeezed by

(*Continued on page* 15)

Warners' Checking Gets 85% Coverage

With Warners' Percentage Picture Checking Department now having 85 per cent national coverage, Ralph Budd, head of the department, expects to get 100 per cent coverage by Jan. 1. Fifteen field supervisors will cover the country. The men and the key cities they supervise are:

David S. Ramsdaill, New York, Brooklyn, New Jersey; A. J. McGihley, Boston, New Haven; W. L. Gledhill, Albany, Buffalo, Pittsburgh;

(*Continued on page* 15)

Argentine Business Off, Asserts Lange

Film business has fallen off in the Argentine during the past year, says Frederick W. Lange, Paramount general manager there, who is now in New York for home office conferences.

Talking pictures are still a problem, he says, with superimposed titles being used generally on American films. Title writers find it difficult to get the story of the action across to Argentine audiences.

Lange expects to remain in New York for several weeks.

India Is Eager for U. S. Films—Kelly

PARIS, Dec. 3.—That India offers a fertile market for American films was the assertion of Arthur W. Kelly, vice-president of United Artists in

(*Continued on page* 13)

Clearance to Hold Good on All Contracts

Existing clearance and zoning schedules for 1933-34 product will not be disturbed by the new schedules to be drawn by local boards immediately after they have been named by the code authority, it was learned over the week-end.

The code cannot supersede or invalidate existing contracts, all of which include the clearance rights of the individual theatre. The new schedules which the local clearance and zoning boards are instructed to draw up for 1934, and have ready by Jan. 1, will apply only to 1934-35 product, it was pointed out. The annual clearance and zoning schedules will be drawn up by the local boards by Jan. 1 of each succeeding year and

(*Continued on page* 4)

Film Board Decides To Retain Officers

All officers of the New York Film Board of Trade will be reelected Dec. 13. The present set-up has been asked to serve another year because of the lull in activity during the past 12 months. Local exchange managers feel that since the President has signed the code there will be plenty of doings in regard to zoning and clear-

(*Continued on page* 13)

Code Widows

After bringing home a copy of *Motion Picture Daily* which contained the complete and official code, Tom Murray, who was secretary to the exhibitor code drafting committee, showed it to his wife. Mrs. Murray, after hurriedly perusing the text and particularly noting the pictures of the exhibitors' committee and Allied leaders who led the insurgent movement, queried:

"Where are the pictures of the code widows?"

Labor Looks for Place on Boards

The belief that representatives of organized labor will be named to code authority boards whenever labor's problems are brought before that body was expressed by labor leaders here and is seen as eliminating the possibility of a formal labor protest to the NRA over the appointments of Eddie

(*Continued on page* 4)

Chicago Musicians' Union Suit Started

CHICAGO, Dec. 3.—An accounting of funds and receivership is asked for the Chicago Federation of Musicians in a bill filed by Frank Ririzzo and

(*Continued on page* 13)

Either This or a Like Concession in New Deals Planned

The 10 per cent cancellation privilege for pictures averaging $250 rental, or less, offered under the code, will either be extended by major distributors to exhibitors who have already signed current season contracts, or the equivalent of the cancellation privilege will be granted in revised contracts, MOTION PICTURE DAILY learned Saturday as the result of a canvass of home office executives.

This, and the fact that existing clearance schedules for 1933-34 product will not be disturbed by the local clearance and zoning boards to be named by the code authority, probably within the next week or two, was determined in answer to widespread interest and speculation in exhibition and exchange circles throughout the country.

Home office sales executives revealed that thousands of contracts have been closed this season which carried the specification, written in at the exhibitor's request, that the contract was to be amended to include

(*Continued on page* 4)

Para. Trustee Suit Hearing Set Today

Arguments on a suit seeking the removal of the Paramount Publix trustees in bankruptcy are scheduled for a hearing in U. S. Circuit Court of Appeals here today. The action, brought by Samuel Zirn, as attorney for a group of Paramount Publix bondholders, was denied by the U. S. District Court last spring, but the higher court granted an appeal.

Further examination of John Hertz, former chairman of the Paramount Publix finance committee, will be continued this afternoon before Referee Henry K. Davis, with Saul E. Rogers, attorney for a bondholders' group, questioning the witness.

Para. Wins License Tax Dispute in La.

NEW ORLEANS, Dec. 3.—The Supreme Court has denied the authority of the state to collect a license tax on the leasing and distribution of films here by Paramount-Publix.

(*Continued on page* 13)

Chicago Lovingly Recalls Fair; Wishes It Were Back

Third in a series of articles throwing the spotlight on conditions in the Middle West. Milwaukee was covered in the first two.

By RED KANN

CHICAGO, Dec. 3.—It was great while it lasted, was the World's Fair. Any circumstance that deluded theatremen, particularly in the Loop, into the belief this was 1929 when they knew full well it was 1933, smacked of the miraculous. It was that kind of a circumstance and that kind of a delusion and both were very easy to take.

Four years ago, B. & K. might have taken their huge grosses for granted. They rolled in regularly. Much has taken place since then, however, and hard sledding has made the

(*Continued on page* 3)

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Phil Kaufman Dies On Stockholm Trip

STOCKHOLM, Dec. 3.—Phil Kaufman, Warner general manager in Germany, Scandinavia and central Europe with headquarters in London, died suddenly here today. He had been with Warners since 1926. He is survived by a widow and three children.

Jones Issues Big Book

A comprehensive press book with unusual publicity and exploitation angles has been completed by Charles Reed Jones on "Enlighten Thy Daughter," for Exploitation Pictures, Inc. A national billboard advertising campaign is scheduled for the picture.

Goetz Gets "Narcotic"

Charles Goetz has taken over distribution of "Narcotic." He is also handling reissues of a number of silent Harold Lloyd comedies.

SIN
Can It Ever Be Right?

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Roman Scandals"

(Goldwyn-U. A.)

HOLLYWOOD, Dec. 3.—Few producers have dared more often and more courageously than Samuel Goldwyn. With true gambler's instinct for venturing where others fear to tread, he has repeatedly shot his stake on a hunch, to find showmen's response, reflected through the box-office, has provided ample justification for his chancing the fling of a fortune.

He has plunged deeply again, has peeled the bills off the bankroll, and with a grand extravagance produced the deluxe spectacle of Eddie Cantor in his fourth annual musical, "Roman Scandals." Also with a grand gesture, it was presented at Grauman's Chinese with all the fanfare and panoply of a Roman holiday.

"Roman Scandals" is Eddie Cantor—Eddie and the gorgeous Goldwyn girls—with music and mirth and thrills, in modern settings hinged to the glory that was Rome.

Opening in a museum in the modern town of West Rome, Eddie, the grocer boy, is discovered asleep as the statue of a Roman Empress is unveiled.

Asked to leave town, Eddie meets with an accident and reaches ancient Rome via the dream route.

On the auction block in Rome he is purchased by Josephus (David Manners) as his slave. Because of disrespect to a major domo, he is jailed, to be flung to the lions. He wins the favor of the Emperor by laughing through torture. The Emperor (Edward Arnold) appoints him his official food taster.

At the royal court he rambles through the Roman baths—attends the auction of the female slaves—discovers that Manners is in love with Princess Sylvia (Gloria Stuart), held as hostage by the Emperor.

Jealous, the Empress (Veree Teasdale) tries to poison her spouse, which places Eddie, the food taster, on the well known spot.

With Manners and Gloria about to escape via the chariot route, Eddie becomes charioteer, and the race to freedom is a slam-bang high-tensioned thrill climaxing the production, with Eddie waking up in his home town of West Rome.

Eddie's antics, gags and foolishness inspire the comedy, ranging from belly laughs to giggles.

Big production number is the Roman baths—the girls receiving all manner of body treatments, with Eddie as a Nubian slave bounding in and out of booths, singing "Be Young and Beautiful," the hit number of the show. It's a spicy concoction of fascinating femininity—white and ebony—tuneful music and rhythmic movements in the best Busby Berkeley style.

Beaming beauties, daringly revealed in various stages of deshabille, are fetching in their various displays of charm. The entire production is mounted with splendor and magnificence. Sheer beauty in changing visual image, brilliantly photographed, constantly intrigues the eye.

While "Roman Scandals" may be compared to Cantor's previous comedy attractions—"Kid from Spain," "Whoopee" and "Palmy Days"—it stands on its own feet as entertainment, containing the ingredients that have made this type of musical extravaganza popular.

Cantor, with his big stage and radio followings, and his recent Screen Actors' Guild publicity, is the big name draw.

With Cantor and girl glamor, and the prestige of Cantor's former shows as naturals, "Roman Scandals" may have been considered a gamble by the producer, by virtue of the amount expended in its filming, but showmen are more apt to rate it as a sure thing.

(Continued on page 13)

Warners Off One-Eighth on Big Board

	High	Low	Close	Net Change	Sales
Consolidated Film Industries, pfd	9	9	9	.....	100
Eastman Kodak	79¾	79	79¾	.....	300
Fox Film "A"	14	14	14	.....	200
Loew's, Inc.	29	28¾	28¾	— ⅜	200
Pathe Exchange	1¾	1⅝	1¾	.....	400
Pathe Exchange "A"	10⅞	10⅞	10⅞	— ⅛	100
RKO	2⅛	2⅛	2⅛	.....	300
Warner Bros.	6	5⅞	5⅞	— ⅛	700

Loew's Bonds Up One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	3¼	3¼	— ¼	2
Loew's 6s '41 ww deb rights	81	81	81	+1	1
Warner Bros. 6s '39, wd	38¾	38	38¾	.....	3

Purely Personal

ED SELZER, Warner publicity demon, left for the coast Saturday to meet his boss, CHARLIE EINFELD, and discuss special publicity assignments on forthcoming Warner-F. N. pictures.

FRANK MCCARTHY, eastern district manager for Universal, has returned from a tour of exchanges under his supervision.

BEN GOETZ, who returned from the coast last week, plans to make another trip west shortly.

SPYROS SKOURAS plans to leave for the coast this week to confer with his brother, CHARLES.

JOAN CRAWFORD is on her way to the coast to resume work after a three-week vacation here.

RICHARD A. ROWLAND attended the Friday night performance of "Three and One."

JAMES WALLINGTON will appear on the 7th Ave. Roxy stage starting Friday.

HENRY BRUNET of Columbia sails for Brazil any day now.

EDGAR BERGEN, ventriloquist, will start work in a Vitaphone short today.

Schlaifer, Gold to Tour U. A. Exchanges

L. J. Schlaifer, western division manager for United Artists, leaves on a tour of exchanges under his supervision this week. Harry Gold, eastern division head, plans to leave on a visit of branches in the east shortly.

Wynn Wins Verdict

Ed Wynn was found not guilty of assaulting Morris Newman, process server, when Newman tried to serve Wynn with a summons. Albert Baron, the comedian's secretary, however, was found guilty of the charges, and fined $10 by Magistrate L. McGee in the Yorkville court. Baron protested the verdict and will appeal.

Take on Chadwick Film

Syndicate Exchange, Inc., has acquired New York and northern New Jersey distribution rights to "Wine, Women and Song," an I. E. Chadwick production, with Lilyan Tashman. This is the first of four Chadwick productions. Gaumont-British will distribute the group in the United Kingdom.

"Women" Sets Loop Mark

CHICAGO, Dec. 3.—"Little Women" broke the opening day record for the RKO Palace with 11,000 persons paying $5,500. A capacity week, with a take of $35,000, is looked for.

"Design" for Paramount

"Design for Living" is dated for the Paramount starting Dec. 29, following the run of "Alice in Wonderland."

'Twas Great Fair While It Lasted

Fair Lovingly Recalled by Chicago Trade

(*Continued from page 1*)

operators of Chicago's ace circuit duly appreciative of lesser favors and perhaps more appreciative of miracles.

Exhibitors don't like to wax enthusiastic about business even when it's good. Certainly they shy harder when a reporter's pencil is poised; the price of film might jump. Regardless of non-committal statements and some at variance with others, as well, the fair did plenty for Chicago theatres, downtown and outlying, and that's why, in loving and yearning terms, they wish the exposition were back again.

Trade No Longer National

It will be—next summer. But that's some months away and, aside from that, opinion is rather sharply divided on the repeat run and what it will bring. Film men here, or many of them anyway, lean toward the idea the midway in 1934 will turn out to be less national and more municipal; that, whereas the 22,000,000 who passed through the gates this past summer were drawn from every state in the union, next season will find the patronage concentrating from a radically diminished radius. If this eventualizes into facts, theatre business may not be so hot on the theory that local purchasing power will divide itself between the fair and its attractions and the theatres and theirs.

It was the visitor who sweetened grosses during the summer. Those 22,000,000 who clocked in at the fair were not all out-of-towners and, naturally, many went through the turnstiles many times. However, the foreign cars that jammed the city, the premiums on hotel rooms and all of the intense activity pertinent to the exposition left their mark on theatre grosses. They're still trying to match it.

De Luxers Fattened

There is no question but that the de luxers in the Loop fattened well on the situation. The visitor from the hinterland obviously did not spend every day and every night on Fair grounds. Those big Chicago houses he had heard about were something to see at least once, and he went. The stage end of the shows each week was built up to capitalize on the current drift and so the one-time visitor no doubt went more frequently.

In the neighborhoods, it was a case of ditto on a smaller scale. Many of those who took in the fair stopped with friends and relatives—there must have been untold thousands who did that, for hotels alone could not have accommodated the hordes that avalanched on Chicago.

Inadequate transportation facilities, the open spaces to the tune of miles between the various sides of the city and the Loop, the difficulty of parking downtown as well as the cost were factors which influenced many to stick to their neighborhood houses for entertainment. They did.

B. & K., represented in the Loop with the Chicago, McVickers, Oriental, United Artists and Roosevelt, reached their peak with a profit of $75,000 one week. It didn't stay there, according to the well-informed here, but remained sufficiently and heavily enough in the black to keep the Paramount-owned circuit financially comfortable and mentally happier in the realization that the public continues willing to part with its money.

In the 27 weeks from the theatre week ending May 27 to the theatre week ending Nov. 25, a transformation, plus a rejuvenation, came over the Loop. Whereas the Chicago, McVickers, Palace, United Artists and Roosevelt—combined capacity 12,084—were staggering along under a total gross of $64,000 for that early week, June brought a noticeable increase, not noticeable because of the jump in total gross, which went to $75,500 for the week ending June 10, but significant because it began to look as if things were happening. As a matter of fact, business hadn't bettered much because by that time the 3,940-seat Oriental had reopened with an $11,300 first week's gross on "Reunion in Vienna."

Thereafter, the major houses were six. Fair visitors were piling in with the summer school holiday and the best days the Loop had seen since '29 were with it once again. By mid-August, combined takes had doubled themselves with a little to spare, and stayed that way for 10 weeks out of the 27.

Figures Tell the Story

The figures that follow tell the story of the dash up the line:

Week Ending	*Gross*
May 27	$64,000
June 3	63,300
June 10	75,500
June 17	87,800
June 24	96,300
July 1	108,300
July 8	119,800
July 15	110,000
July 22	105,900
July 29	107,000
August 5	101,800
August 12	148,800
August 19	123,700
August 26	174,500
September 2	184,000
September 9	161,200
September 16	148,800
September 23	121,500
September 30	122,500
October 7	130,800
October 14	178,000
October 21	168,000
October 28	141,300
November 4	129,000
November 11	115,000
November 18	103,500
November 25	101,000

Chicago Grosses Leaped

The Chicago, ace B. & K. house, with an established average of $34,600, had dipped to $25,000 for the week ending June 3 with "Eagle and the Hawk" and Singin' Sam heading the stage show. Two weeks later, it had clambered to $41,000 with "When Ladies Meet" and Will Mahoney. The following week earlier gains had been retained and more rolled up, George Givot and the Piccoli troupe on the stage with "Jennie Gerhardt" on the screen giving the house $43,000. A few thousand shy of a complete double over average kicked in the week ending Aug. 12 when Sally Rand and her fans packed 'em in to the tune of $64,000. "Another Language," then current as the film attraction, did its share to attain that figure.

August, the big vacation month, proved a boon. Sally's fans apparently meant something or other, for, in the last week of that month, the take had gone to $73,000. What year was this anyway? It took the first week of September, however, to give the Chicago a terrific gross at $75,000. The stage show, highlighting the fan dancer, Amos 'n' Andy and Vincent Lopez, undoubtedly did it. "Goodbye Again" was the feature. In those 27 weeks the house had 23 weeks of above average business, yet in the last two weeks has slipped back to a $35,000 take.

The fair did not spare its favors. There is the Palace, RKO's only house in the city now that Aaron Jones has the State-Lake. That theatre, where the average is $22,000, enjoyed 16 of the 27 weeks above that figure, reaching its peak the week ending Sept. 19 with a $37,000 take, or a $15,000 profit, with "Morning Glory" and Sophie Tucker. Indicative of the wide ebb and flow of business in this spot is the low of $14,000 for the period reached the week ending May 27 with "Below the Sea" and Jimmy Barton.

McVickers Not So Strong

The McVickers failed to do as well as some of its neighbors, chalking up only four above-average weeks in the 27. The theatre had plenty of $9,000-$9,500 weeks to combat an average of $13,000 and touched its highlight at $20,000 in the seven days to Oct. 11, which was first week of "Too Much Harmony" at a 30-40-60 cent scale. The low was very low on two counts, each $5,000 furnished by "Life of Jimmy Dolan" for the week ending June 24 and "The Woman I Stole" for the week ending July 1. The scale then geared to 25-35-50 cents, of course, was a factor.

Interestingly enough, the Roosevelt likewise had four weeks topping its average of $11,000. Curiously, too, the peak of $16,000 was reached with a return run of "Penthouse" the week ending Oct. 14. "Picture Snatcher"—week ending May 27—and "Storm at Daybreak"—week ending Aug. 5—furnished the low, $6,500 in each case.

"The Gold Diggers" and "I'm No Angel" sweetened the treasury of the Oriental, which has to do $23,000 before its average is overtaken. The first picture remained for six weeks, rolled up a $121,000 gross and ranged from a $36,500 opening week which closed on July 1 to a final stanza at $10,000. The West rage, crystallized in her second picture, made the Oriental box-office groan at $50,000, or a $27,000 profit on the opening week which terminated on Oct. 14. For five additional weeks, "I'm No Angel" held forth, chalking up a final count of $185,000 and doing a handsome $15,000 in its sixth and closing inning. Somewhat different from the low of $10,000 struck by "The Power and the Glory" when it finished its week Oct. 7.

U. A. Fell Below Others

Although the United Artists reflected the boom times along the street, it fared less auspiciously than the others. It was the first week of "The Bowery" which captured high spot there with a $26,500 take by Oct. 21 and was rivalled only by the initial week of "The Masquerader," which drew in $25,000 when the seven days to Aug. 26 were over. The low was made by "Warrior's Husband" at $7,000 for the week ending July 8, or before the summer vacationists had descended so heavily on the town.

Vastly different, then, is the B. & K. situation. With its circuit intact on the north, south and west side of the city but augmented by the Terminal, once a Fox house, this enterprising

(*Continued on page 4*)

The Week of Fond Memories

Chicago, Dec. 3.—Long to be remembered in the Loop will be the week ending Sept. 2, for it was then that the big theatres hit their biggest business not only in 1933 but in several years past.

Here is what happened:

The Chicago did $75,000 against an average of $34,600. On the stage: Sally Rand, Amos 'n' Andy, Vincent Lopez. On the screen: "Goodbye Again."

The Oriental did $38,000 against an average of $23,000. On the screen: first week of "Tugboat Annie."

The United Artists did $17,000 with the second week of "The Masquerader." Opening week average: $17,000.

The Palace did $31,000 against an average of $22,000. On the stage: George Jessel, Dorothy Stone and Notre Dame Glee Club. On the screen: "No Marriage Ties."

The McVickers did only $9,000 with a second week of "Moonlight and Pretzels." Opening week average: $13,000.

The Roosevelt did $14,000 against an average of $11,000. Unusual business in that the attraction was "The Gold Diggers," then playing its 10th week in the Loop.

Combined total tallied to $184,000, the week of fond memories.

Theatre Men Smiled While Show Lasted

Cancellations Also to Apply On Old Pacts

(Continued from page 1)

any code provisions not appearing in the contract at such time as the code was signed by the President. Such contracts will automatically derive the benefit of the 10 per cent cancellation privilege and all other provisions and restrictions of the code not found in the contract.

Some to Extend Benefits

In other cases, however, sales managers indicated a willingness to extend the benefits of the cancellation clause to existing contracts wherever individual cases merited it. These would not include contracts in which the rental had been determined on the basis of purchase of the distributor's entire block of pictures, it was made clear. In such cases, distribution executives said, exhibitors would be afforded their choice of either carrying out their existing contracts for the entire block or negotiating a new contract which would include the cancellation provision and carry revised rentals based on the exhibitor's choice of less than the entire block of pictures.

A liberal attitude toward exhibitors already signed up on contracts not calling for the cancellation was indicated by most sales managers.

"Why should we withhold any benefit of the code from accounts that had enough confidence in our product to sign up early?" was the attitude of several.

New contracts with a clause added containing the code cancellation provisions are being sent out daily by national distributors and some exchanges are already using them as the basis on which deals with unsold theatre men are being discussed. Practically every national exchange in the country is expected to have a supply of the new forms on hand by the end of the week.

Meyer and Vincent Given MPTOA Posts

Fred S. Meyer, head of the M. P. T. O. of Wisconsin, has been elected secretary of the M. P. T. O. A., and Walter J. Vincent of the Wilmer & Vincent circuit has been elected treasurer by the board of directors of M. P. T. O. A. to fill vacancies created by the recent resignations of M. J. O'Toole, former secretary, and Jay Emanuel, former treasurer.

Ennis Joins Majestic

Bert Ennis, formerly advertising and publicity director for Columbia, has been placed in charge of the same department at Majestic Pictures by E. H. Goldstein, executive vice-president. Evelyn Lee Koch continues with Majestic as an assistant to Ennis. Jack Hess, formerly in charge of Majestic advertising and publicity on the west coast, resigned recently.

Kent to Coast Today

S. R. Kent leaves for the coast today. The Fox president returned last week from Europe.

Chicago Lovingly Recalls Fair; Wishes It Were Back

(Continued from page 3)

outfit which pretty much sets the theatre fashions for the Windy City is sailing along in the black when a year ago, almost to the day, it was $30,000 to $40,000 a week in the red.

It is almost a year ago to the day, as well, when Barney Balaban analyzed for this writer what he thought the Loop's trouble was all about. He then placed two-thirds of it on the fact the 150,000 transients who formerly breezed downtown every day no longer did. The other third he blamed on the competition of outlying theatres, many of which are as handsome and as comfortable as anything the Loop has to offer. Many of them, too, are operated by B. & K. with results, due to price levels lower than downtown, which the Balabans have found out about long since.

On Balaban's own analysis, then, two-thirds of the first runs' troubles disappeared during the fair months and the other third remains, as it will, to wonder about, poke at and experiment with in seasons to come. Encouraging is the situation on operating theatres. Film Board records maintained by Emma Abplanalp show that not only are all of the houses in the city proper which were open last year operating this year, but the total goes further on the plus side by an addition of five. Against 339 active houses, 28, seating 17,434, have darkened or have been demolished. Most of the 28 were inactive at the same time in 1932 anyway.

Down state, exhibitors either are doing better business, waiting hopefully for a turn or for the executioner since there are 18 more houses in the active column than there were in early December last year.

How double features gave way to singles and by what route, the inside on a move to establish minimum admissions at 15 cents, B. & K.'s greatest annoyance in the competition which is the Loop's—these are some of the angles to be included in the second and concluding article on Chicago, slated for early publication.

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Abramson Suit Down For Trial This Week

Trial of Ivan Abramson's $1,300,000 suit against the Hays office and practically all the producers in the industry for alleged conspiracy to force him out of business in violation of the anti-trust laws is scheduled to start this week before U. S. District Judge Robert P. Patterson.

A jury will be impanelled today and trial is down for a start on Thursday. Hays, Podell & Schulman and Benjamin S. Kirsh represent plaintiffs and Max D. Steuer is counsel for Abramson.

Kramer, U.A. Cincy Head

Sam Kramer, formerly a salesman in the United Artists branch in Cincinnati, has been promoted to manager, succeeding Edward Benson, resigned. Edward Goldstein, formerly with First National in New York, has taken over Kramer's former duties.

Labor Looks for Place on Boards

(Continued from page 1)

Cantor and Marie Dressler to the code authority.

Labor's petition for representation on the code authority was answered by the NRA weeks ago with the assertion that code authority functions were considered to be an employers', rather than an employes', obligation. Labor, however, views Miss Dressler and Cantor as representatives of an "employe" group.

With the specification in the President's memorandum naming Miss Dressler and Cantor to the code authority, however, that the two would function only when problems relating to talent were before the board, and the further declaration from Administrator Hugh S. Johnson that labor could be represented on code authority boards "if labor really wants it," budding opposition to the Cantor-Dressler appointments waned.

Speaking of labor representation on code authorities, General Johnson said: "I never would lay down a hard and fast rule. When labor assumes responsibility for management it is assuming responsibility for profit and loss—which is not labor's traditional position."

Industry labor spokesmen here pointed out that the executive order accompanying the code asked for investigations of salary and talent "raiding," which are expected within 90 days and involve groups represented by Miss Dressler and Cantor, which made necessary their immediate naming to the board. Because of this, industry labor organizations feel that as soon as labor problems arise for code authority action, labor's representatives will be named also.

These phases of the code, however, are slated for formal discussion today with the return of William Elliott, I. A. T. S. E. head, from Boston, it was said.

Milwaukee Pastors Demand Clean Films

MILWAUKEE, Dec. 3.—Echoes of recent objections to allegedly shady advertising in Milwaukee and several other Wisconsin cities were heard at a meeting of the Milwaukee Ministerial Ass'n at which ministers present were urged to undertake a campaign to clean up the press, billboards and theatres of Milwaukee as far as picture displays are concerned. It was asked that Mayor Hoan and the police department be called in to help ministers in the war on obscenity.

In Oshkosh the county board has passed a resolution suggesting that theatres in Winnebago County avoid the showing of pictures involving crime and immorality.

Kidnap Film Halted

LONDON, Dec. 3.—American newsreels portraying a reconstruction of the Brooke Hart kidnapping and showing flashes of the lynching of John Holmes for Hart's murder were withdrawn from British houses yesterday.

Clearance to Hold Good on All Contracts

(Continued from page 1)

will apply to the following season's product, according to code provisions.

Although the code specifies that the new season clearance and zoning schedules must be completed for each exchange territory by Jan. 1, it is regarded as certain that the Recovery Administration will extend the time limit to February or March, 1934, because of the delay which was encountered in approving the code. The local boards will not come into existence until the code authority has met and named their personnel, which may require another 10 days or two weeks. For these boards to complete the local schedules by Jan. 1 would be next to impossible, it is pointed out.

Moreover, all that is regarded as necessary in connection with the new schedules is that they be in existence before new season sales meetings and product announcements develop.

Boards' Makeup Defined

The clearance and zoning boards to be named by the code authority for each of the 32 exchange districts are to consist of two distributor representatives, one having theatre affiliations and the other without; two first run exhibitor representatives, one affiliated, if there be any in that territory, and the other unaffiliated; two unaffiliated subsequent run exhibitors, and one member having no industry connection, approved by the Administrator and acting as the representative of the code authority, who will vote only in cases of deadlock.

A chairman of each board will be elected by a majority vote of its members.

The local grievance boards, also to be named by the code authority for each exchange district to hear complaints not involving clearance and zoning, are to consist of one distributor representative with theatre affiliations and one without; one affiliated exhibitor and one unaffiliated, and a fifth having no connection with the industry, approved by the Administrator, and acting as the code authority representative, to vote only in cases of deadlock. Grievance boards elect their own chairmen.

Qualifications for membership on the boards, as specified in the code, require only that members be "of good repute and standing in the industry" and take an oath to act fairly and impartially.

So great is the interest in the probable membership of these boards that several home offices are known to have requested a list of eligible men from theatre and exchange affiliates in many of the important key cities.

U. A. Drops Two Films

United Artists has taken two pictures off the current release schedule. They are "The Great Barnum" and "I Knew Her When." The first will be produced this season, but will not be released until 1934-35. The second will not go into work this season and may be dropped from the production program entirely. Both are 20th Century listings.

In motion pictures
A Stor Theatre
Attractions
are the Aristocrats
of the Screen

SOON in the
THEATRES of the
NATION

METRO-GOLDWYN-MAYER
PRESENTS

Nationwide Fame!

Greatest amusement property of our time! Glorified by 12 brilliant stars. It flames with drama . . . the fallen matinee idol . . . the millionaire's frivolous wife . . . the amorous doctor of the idle rich . . . stolen hours of romance. Thrilling entertainment in M-G-M's "Dinner at 8" and already publicized to the public over months of showman-sponsored road-shows!

4 MONTHS ON BROADWAY— 3 MONTHS IN LOS ANGELES—

And brilliant road-show engagements ranging from one to four weeks in

Saratoga, N.Y., Asbury Park, N.J., Atlantic City, N. J., Montreal, Buffalo, Toronto, Cleveland, Columbus, St. Louis, Cincinnati, Detroit, Atlanta, Baltimore, Philadelphia, New Haven, Boston, Pittsburgh, Hartford, Chicago, Washington, D. C.

The Pride of

METRO GOLDWYN MAYER

rat
MARIE
★DRESSLER
JOHN
★BARRYMORE
★WALLACE BEERY
LIONEL
★BARRYMORE
★LEE TRACY
★EDMUND LOWE
★BILLIE BURKE
★ MADGE EVANS ★ JEAN HERSHOLT
★ KAREN MORLEY ★ PHILLIPS HOLMES
Directed by GEORGE CUKOR
From the Sam H. Harris stage success by George S. Kaufman and Edna Ferber. Produced by David O. Selznick.

Successor to "Trader Horn" fame!

A Metro-Goldwyn-Mayer picture

It has been the privilege of M-G-M to keep public enthusiasm for screen entertainment at high pitch through the years. We have sent expeditions to the South Seas which returned with "White Shadows"; to British East Africa and "Trader Horn" resulted. There have been other ventures to the outposts of civilization but we are proud that the greatest and most successful of these is "Eskimo." Now thrilling Astor Theatre audiences at $2 top, it is soon to be the supreme romantic-adventure delight of the nation!

From Peter Freutchen's vivid novel.
Directed by W. S. VAN DYKE.
Hunt Stromberg, Associate Producer.

"Dinner at 8" IS THE CRITICS DE

★ ★ ★ ★ (Four Stars) "I was thoroughly entertained." *Kate Cameron*, Daily News

"Lives up to every expectation. Cast of 25 . . . most of the stellar lights of the M-G-M studios. One of those rare pictures which keeps you in your seat until final fade-out. Greater variety of characterizations than have been witnessed in any other picture. A grand evening."
Mordaunt Hall, N. Y. Times

"Lively and entertaining display of the histrionic talents of most of the California heirarchy. Jean Harlow gives the grandest show. An excellent example of smart and vigorous theatre."
Richard Watts, Jr.—Herald-Tribune

Fine picture. Exciting, many-sided drama. Cast contains practically every star on the M-G-M lot. If you seek an entertaining film, the Astor is where you can find it."
William Boehnel—World-Telegram

"Once more a parade of names at the Astor. All play well. It's another 'Grand Hotel' both as to names and box office."
John S. Cohen, Jr.—Sun

"Not since 'Grand Hotel' has Hollywood flung forth such a star-spangled banner. Mightiest congress of stars ever assembled—the season's championship event. More effective than the play. Will be Gotham's table topic for months."
Regina Crewe—American

"Stupendous! Just look at the names. Enough stars, stories, dramas, big scenes to have made half a dozen movies. Destined to make a hit. You'll heartily applaud every player. Great. You can't afford to miss it."
Bland Johaneson—Mirror

"M-G-M masterpiece. Most gorgeous entertainment that has yet come out of the cinema city. 'Grand Hotel' fades into insignificance. Most dazzling array of stellar luminaries ever assembled. The Astor will undoubtedly be jammed for months, with lines forming at the box office."
Rose Pelswick—Journal

"Really superlatively acted and worth every cent they are charging at the box office."
Charles Hammond—Post

A typical advertisement from the "Dinner at 8" campaign

LIGHT AND "ESKIMO" TOO GETS HIGHEST PRAISE!

"Thrilling tale! Human interest! Mala would permit his wife to sleep with men of his own tribe, but the white man's touch meant death. Filled with amusing, interesting and thrilling incidents."

Kate Cameron—Daily News

"Vigorous and entertaining romance. Thrills! Mala is magnificent! His wives are fetching and exotic!"

Bland Johaneson—Mirror

"Melodrama photographed in the Artic—by an artist. Genuinely thrilling and authentic scenes: (1) the caribou stampede; (2) Mala's fight with the polar bear; (3) the walrus hunt; (4) Mala's hand-to-hand fight with a wolf; (5) the breaking up of the ice floes."

John S. Cohen, Jr.—Sun

"Merits the title 'Epic'. Its excitements keep each fibre tense; it fills the throat with sobs and laughter by turns. More than entertainment, an unforgettable achievement. There is no compliment great enough, 'Eskimo' is super-superb!"

Regina Crewe—American

"Exciting melodrama. A remarkable film, that awakens wonder as to how the camera men were able to photograph some of the scenes and record the impressive sound."

Mordaunt Hall—Times

"That adventurous cinema director, W. S. Van Dyke, returns with a motion picture ...good-looking, exciting, real as its settings and its people. Scenes showing the social practices are managed with an accent on their comedy possibilities."

Richard Watts, Jr.—Herald-Tribune

"Metro-Goldwyn-Mayer, the enterprising movie company which sent an expedition to Africa to film 'Trader Horn,' now goes to the Arctic. Must be regarded as one of the important movie achievements!"

Martin Dickstein—Brooklyn-Eagle

"A fascinating film. It should be seen. Really thrilling, beautifully photographed and worthwhile. Genuinely arresting and dramatic. A motion picture of the better order."

William Boehnel—World-Telegram

Sample newspaper ad, "Eskimo" campaign

THE BIG PARADE
CLARK GABLE HELL DIVERS
HELL DIVERS
GRAND HOTEL
ASTOR THEATRE
THE
UARDSMAN
BEN HUR
GOLDWYN-MAYER PICTURE
THE
ROADWAY
MELODY
he
MERRY
IDOW
HEARER
GABLE
TRANGE
TERLUDE
the
cham
TRADI
HOR
HE STUDE
PRINCI
IN OLD HEIDEI
THE B
HOUS
METRO-GOLDWYN-M
HOLLYWO
REVUE
JOHN · ETHEL · LIO
BARRYMO
RASPUTI
The EMPRE
In the Astor Theatre Tradition
Great names! They attained the heights of glory and brought to theatres millions of ticket-buyers. Now again the spotlight of Astor Theatre fame illumines two new M-G-M giant attractions, "DINNER AT 8" and "ESKIMO". They come to a public already aware of their magnitude, to audiences which are eager for the screen's mightiest!
Metro-Goldwyn-Mayer presents
MARIE DRESSLER WALLACE BEERY JOHN BARRYMORE JEAN HARLOW
DINNER AT 8
LIONEL BARRYMORE ANN TRACY LOWE
THE BIGGEST PICTURE EVER MA
ESKIMO

Detroit Men Start Variety Club Plans

DETROIT, Dec. 3.—Plans for organization of a Variety Club here, similar to those operating in Cincinnati and Pittsburgh, were laid at a meeting of 35 men at a luncheon at the Book-Cadillac.

Mannie Gottlieb of Universal was named chairman of an organization committee, which will meet Tuesday and make final plans for the club. Also on the committee are: Otto Bolle, Paramount; George W. Trendle, general manager of Publix theatres; Morris Kaplan of Metropolitan Studios; Ollie Brooks of the Butterfield Theatres and Ed Kirchner of the Family.

Purposes of the club will be to promote good fellowship and to perpetuate the film relief fund which was established last summer at the first Detroit film outing.

Jack Flynn, divisional manager of M-G-M, is temporary chairman.

Chicago Musician's Union Suit Started

(Continued from page 1)

Nicholas Belcaster against James Petrillo and the board of directors. It is charged that Petrillo, who is head of the musicians' organization, used $100,000 of union funds as ransom money to secure his freedom from a gang of alleged kidnappers in June of this year.

In a denial of the charges against him, Petrillo counters with the statement that the suit is an effort to discredit him before the annual election, which takes place Tuesday. For the first time in 11 years Petrillo finds himself opposed for reelection, the opposition coming from Angelo Cavello and Nunzion de Pasquale.

Film Board Decides To Retain Officers

(Continued from page 1)

ance, which will give the officers a busy year.

Officers are: Robert S. Wolff, Radio, president; Henry Randell, Paramount, first vice-president; Harry Hummel, Warner-First National, second vice-president; Jack Bowen, M-G-M, treasurer; Harry Decker, Warner-First National, secretary; Edward Schnitzer, Columbia, sergeant-at-arms. Nominations were held last Wednesday and the entire slate was unanimously approved.

Para. Wins License Tax Dispute in La.

(Continued from page 1)

Attorneys for the corporation asserted that the distribution of these films was interstate business and could not be taxed by the state. This opinion was sustained by the court, which held the company was liable to a license for selling advertising matter in Louisiana.

Roach to Enlarge Plant

HOLLYWOOD, Dec. 3.—In line with Hal Roach's plan to augment the studio writing staff, Henry Ginsberg has ordered immediate reconstruction of the administration building with blue prints calling for six additional offices.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continue from page 2)

"Smoky"

(Fox)

HOLLYWOOD, Dec. 3.—Will James' popular novel, "Smoky," is transferred to the screen with sympathy and appeal.

It will not only be acceptable to the lovers of the book, but will find a warm spot with those who for the first time follow the interesting growth of Smoky, the colt, on the screen.

Will James, the author, appears in the film, adding to its attractiveness by his interpolated narration over the action, telling of the up and down hill adventures of Smoky from colthood, bronc roaming the range, cow-pony herding the cattle, rodeo attraction as Cougar, the unridable, dray-horse on a junk wagon and his trip to the slaughter house.

James' native diction and drawl render distinctive color and veracity to the production.

"Smoky" is not a "horse opera" or even what the trade knows as a western. It is, however, a classic of the romantic west with balance of drama, comedy, and romance blending horse interest with human interest.

Victor Jory acquits himself well as the bronc-buster who spots Smoky as a colt, nurses him along, breaks him as a cow-pony, only to lose him.

Irene Bentley is the feminine interest. Hank Mann supplies the comedy. LeRoy Mason and Leonid Snegoff are the menaces in human form—and good, too.

Eugene Forde directed with sympathetic interest from the well turned screen play by Stuart Anthony and Paul Perez. Dan Clark's photography is of high order.

"Smoky" will undoubtedly please all classes of audiences. It should have special appeal to lovers of dumb animals.

Looking 'Em Over

"The House on 56th St."

(Warners)

There is a distinct and mellow charm about the first half of "The House on 56th St.," but the second part borders on the melodramatic. Kay Francis gives one of the best performance she has shown in some time, though she yields several scenes to John Halliday and Margaret Lindsay.

Miss Francis is a member of the famous Floradora sextette, and, although Gene Raymond is aware that John Halliday has been her protector for some time, he marries her, and whisks her away to Europe on a honeymoon. Here things run smoothly until the honeymooners reach Monte Carlo, where her gambling instinct, and ability, inherited from her father and grandfather, get the better of her, and the lovers have their first disagreement.

On the return from abroad, the bride is presented a home on 56th St. She is overcome, and expresses a desire never to leave her house. A baby is born, this brings about a reconciliation between Raymond and his ultra-social mother, who launches her daughter-in-law to a great social success.

Tragedy enters, when Halliday, realizing his loss, asks Miss Francis to visit him for old time's sake. When she refuses to come back to him, he commits suicide. Circumstantial evidence sends Kay Francis to Auburn for 20 years, and while she is there her husband is killed in France, and her daughter is raised by the grandmother. The child is led to believe her mother is dead.

After her release, Miss Francis takes up with Ricardo Cortez, a professional gambler, and together they tour the world gambling. They finally return to New York, and she finds herself dealing a black-jack game in her old home. Her daughter faces her across the table one night, and to teach her to give up gambling she takes her for fifteen thousand dollars.

Unable to pay her losses, Margaret Lindsay, the daughter, comes to reason with Cortez, and kills him to prevent his telling her husband, who had forbidden her to gamble, of her debt. Her mother takes the blame, and allows her daughter to escape, but she never reveals her identity. After allowing this escape, Miss Francis is under obligation to William Boyd, the owner of the gambling establishment, and she is forced to remain on his staff, thereby getting her early wish to remain in that house.

A. H. Blank Shifts Managers in Omaha

OMAHA, Dec. 3.—Ralph D. Goldberg of the World Realty Co. has been made city manager of the Tri-State Theatres Co., the A. H. Blank organization which operates the World, Paramount, State and Orpheum here. The appointment came after several months of negotiation between Blank and the realty company, holders of a 99-year lease on the World and State.

The transfer of Stanley Brown from the Orpheum to become city manager for Blank at Des Moines became effective with Goldberg's appointment. Joe Rosenfield, manager of the Paramount, succeeds Brown. Paul Ives, assistant manager of the Orpheum under Brown, has been promoted to manager of the Paramount.

The State, dark for several months, has reopened with a second run double feature split-week policy. Lionel Wasson has been shifted from the world to act temporarily as manager of the State. Arthur Abelson succeeds him at the World.

India Is Eager for U. S. Films—Kelly

(Continued from page 1)

charge of foreign distribution, upon his return here from an extensive tour of the country.

"The demand for English-speaking pictures is increasing," he said, "because in the large Indian cities the majority of the inhabitants know enough English to understand the pictures. American films shown in India have no subtitles. The faster the picture, the greater its popularity in India."

A minimum of 100 pictures yearly are being turned out by the 30 native studios, it was estimated by Kelly.

20th Century Takes Over U. A.'s Studio

HOLLYWOOD, Dec. 3. — Twentieth Century has acquired the studio property of United Artists Corp., Ltd., which operates the U. A. studio here. The financial consideration has not been divulged. Mary Pickford and Douglas Fairbanks were the principal owners. The plant will be enlarged.

Robert Fairbanks, Douglas' brother, and James Dent will be retained as general manager and assistant general manager, respectively.

Cut Philadelphia Passes

PHILADELPHIA, Dec. 3.—One of the new Warner local management's first actions has been the elimination of the press pass list, except for actual reviewers' tickets. Newspapers will phone the central office henceforth for any additional requests.

The weekly pass list is said to have totalled 15,000. The press list has accounted for between 15 and 25 percent of this total.

Raft to Be Starred

HOLLYWOOD, Dec. 3.—George Raft has been given a new contract by Paramount, and will be starred in his next picture. At present he is making "Bolero."

Sally Rand, "Hoopla" Big Frisco Draws

SAN FRANCISCO, Dec. 3.—A goodly portion of the masculine population was on hand last week to get a peek at Sally Rand in her fan dance. The Warfield got $26,000, which is pretty close to record-breaking tempo. It was a hot show all around, with Clara Bow in "Hoopla" on the screen.

While the Warfield sizzled with its box-office action, the rest of the spots were only tepid. Mae West continued strong in her sixth Market Street week with $5,900, while "Duck Soup" at the Paramount was good at $17,500, or $2,500 over average, but not as good as was expected.

Total first run business was $102,-100. Average is $96,000.

Estimated takings:

Week Ending Nov. 21:

"PRIVATE LIFE OF HENRY VIII" (U. A.)

COLUMBIA—(1,200), 50c-75c-$1.50, two-a-day, 7 days, 4th week. **Gross:** $9,000. (Average, $8,000.)

"ONLY YESTERDAY" (Univ.)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: Vaudeville, band. **Gross:** $12,-000. (Average, $13,000.)

Week Ending Nov. 23:

"PENTHOUSE" (M-G-M)

EL CAPITAN—(2,900), 10c-35c-40c, 7 days. Stage: Band. **Gross:** $7,000. (Average, $9,000.)

"WORST WOMAN IN PARIS" (Fox)
"COLLEGE COACH" (Warners)

ORPHEUM—(3,000), 15c-35c-40c, 7 days. **Gross:** $7,500. (Average, $9,000.)

"HOOPLA" (Fox)

WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage: Sally Rand. **Gross:** $26,000. (Average, $19,000.)

"MAN OF SENTIMENT" (Chesterfield)
"PICTURE BRIDES" (Allied)

FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage: Ten vaudeville acts. **Gross:** $10,600. (Average, $9,000.)

Week Ending Nov. 24:

"DUCK SOUP" (Para.)

PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days. **Gross:** $17,500. (Average, $15,000.)

"BLOOD MONEY" (U. A.)

UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $7,000. (Average, $8,000.)

"Soup" Is $6,000 Indianapolis Hit

INDIANAPOLIS, Dec. 3.—"Duck Soup" at the Circle did the best business of the week with a gross of $6,000, which is $2,500 over par. "Only Yesterday" at the Lyric and "Christopher Bean" at the Palace also went over par.

Estimated takings for the week ending Nov. 25:

"MY LIPS BETRAY" (Fox)

APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

"DUCK SOUP" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $6,000. (Average, $3,500.)

"COLLEGE COACH" (W.B.)

INDIANA—(3,300), 25c-55c, 7 days. Stage show. **Gross:** $6,000. (Average, $8,000.)

"ONLY YESTERDAY" (Univ.)

LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000.)

"CHRISTOPHER BEAN" (M-G-M)

PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500.)

Crusiger Shift Slated

CANTON, Dec. 3.—Richard Crusiger, manager of Warners' Alhambra, will leave that house shortly to take over another Warner spot in northern Ohio, the location of which has not been disclosed. His successor has not been announced.

An Economy

Hollywood, Dec. 3.—At a studio conference on economy, an executive actually suggested that the company could save $30,000 annually by producing an interchangeable reel to be used as the third reel for all westerns. He stated that all westerns were alike around the third reel where the posse chases the heavy over the same hill and returns the same way. It did give the conferees something to think about.

"Duck Soup" Leads Twin Cities Takes

MINNEAPOLIS, Dec. 3. — "Duck Soup" was the outstanding draw in the Twin Cities last week. It went to $8,500 at the Minnesota here, topping par by $1,000, and it took $6,000, also $1,000 up, at the Paramount in St. Paul.

"Chance at Heaven," aided by Ben Bernie and his band, was good for $6,500 at the RKO Orpheum.

Minneapolis' five theatres grossed $23,500, going over their $20,500 average, while St. Paul's five houses, with $16,300, were also over their usual $14,000.

Estimated takings:

Minneapolis

Week Ending Nov. 23:

"STAGE MOTHER" (M-G-M)

LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

"DUCK SOUP" (Para.)

MINNESOTA—(4,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,500.)

Week Ending Nov. 24:

"CHANCE AT HEAVEN" (Radio)

RKO ORPHEUM—(2,900), 20c-40c, 7 days. Ben Bernie and his band. **Gross:** $6,500. (Average, $5,500.)

"WAY TO LOVE" (Para.)

STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500.)

"VI SOM GAR KOKSVAGEN" (Scandinavian)

WORLD—(400), 25c-75c, 7 days. **Gross:** $1,000. (Average, $1,200.)

St. Paul

Week Ending Nov. 23:

"DUCK SOUP" (Para.)

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

"WAY TO LOVE" (Para.)

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500.)

"AFTER TONIGHT" (Radio)

RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $3,500. (Average, $4,000.)

"HELL AND HIGH WATER" (Para.)

TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800.)

"WHITE WOMAN" (Para.)

TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700.)

"ELYSIA"

WORLD—(300), 25c-75c, 7 days. **Gross:** $1,300. (Average, $1,000.)

Earle Employes Dine

PHILADELPHIA, Dec. 3.—Celebrating the end of the first year of the independent management of Joseph Feldman, Earle Theatre employes held a dinner and dance at the Penn Athletic Club today. At the affair, an Employes' Beneficial Club was launched.

Radio Holds MacGowan

HOLLYWOOD, Dec. 3. — Kenneth MacGowan, associate producer at Radio, has been given a new long term contract.

His last picture was "Long Lost Father."

"Vickers" and Show $12,000 In Montreal

MONTREAL, Dec. 3.—The Capitol had a nice drawing combination with "Ann Vickers" on the screen and a stage presentation headed by Mills Brothers—their first local appearance. The result was a good $12,000 which was excellent in view of the wintry conditions. "My Weakness" and plenty of vaudeville gave a count of $11,500 to Loew's while the Palace made it $10,000 on "Penthouse" and "Rafter Romance." The Imperial continued with its light opera season for the entertainment of French music lovers.

Total business was $40,000. Average is $39,000.

Estimated takings for the week ending November 24:

"ANN VICKERS" (Radio)

CAPITOL—(2,547), 25c-35c-50c-60c-75c, 7 days. Mills Bros. on the stage. **Gross:** $12,000. (Average, $9,000.)

"MY WEAKNESS" (Fox)

LOEW'S — (3,115), 25c-35c-50c-65c-75c, 7 days. Vaudeville: Clifford & Marion; Doc. Baker & Co.; Pease & Nelson; Joe Kelso & Co.; Pasquali Bros.; Morgan Bros. **Gross:** $11,500. (Average, $10,500.)

"PENTHOUSE" (M-G-M)
"RAFTER ROMANCE" (Radio)

PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $10,000. (Average, $11,000.)

"WHAT PRICE INNOCENCE" (Col.)
"SATURDAY'S MILLIONS" (Univ.)

PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. **Gross:** $6,500. (Average, $6,000.)

IMPERIAL—French Light Opera season

continued on stage.

Dual Bill Is Best Grosser in Omaha

OMAHA, Dec. 3.—Mort Singer's Brandeis again proved the bright spot of the box-office week with a par $4,750 on a dual program of "Double Harness" and "Bureau of Missing Persons." This house has been in the money consistently since its reopening six weeks ago.

Elsewhere, there was plenty of red ink. Moving its opening day to Friday, the Orpheum had a six-day week with "Henry VIII" and "College Coach." Gross was below average at $6,000. "Duck Soup" at the Paramount was a disappointment at $7,250 and no one knew just why.

The World found the going tough with "Circus Queen Murder" and "Ever in My Heart."

Total first run business was $22,-750. Average is $24,600.

Estimated takings:

Week Ending Nov. 22:

"DUCK SOUP" (Para.)

PARAMOUNT—(2,900), 25c-35c-50c, 7 days. **Gross:** $7,250. (Average, $7,500.)

Week Ending Nov. 23:

"DOUBLE HARNESS" (Radio)
"BUREAU OF MISSING PERSONS" (F. N.)

BRANDEIS—(1,100), 25c-35c-40c, 7 days. **Gross:** $4,750. (Average, $4,750.)

"THE PRIVATE LIFE OF HENRY VIII" (U. A.)

"COLLEGE COACH" (Warners)

ORPHEUM—(3,000), 25c-35c-40c, 6 days. **Gross:** $6,000. (Average, $6,500.)

"EVER IN MY HEART" (Warners)
"THE CIRCUS QUEEN MURDER" (Col.)

WORLD—(2,200), 25c-35c, 7 days. **Gross:** $4,850. (Average, $5,850.)

"Footlight" Loop Leader With $26,000

CHICAGO, Dec. 3.—"Footlight Parade" at the B. & K. Oriental was strong in a week of lowered grosses. It took $26,000, considerably lower than "Gold Diggers," which played here during the World's Fair boom days.

"I'm No Angel" completed its seventh week in the Loop with a nine-day run at the lower priced Roosevelt following six weeks of strong business at the Oriental. The final nine days showed $9,500.

RKO's Palace is remaining consistent in the face of sharp fluctuations at other houses. Last week with "The Right to Romance" on the screen and Lilyan Tashman on the stage the house garnered $19,500. B. & K.'s Chicago seems to have found a new level at about $30,000 for the week.

Total first run business was $101,-000. Average is $120,000.

Estimated takings:

Week Ending Nov. 21:

"FOOTLIGHT PARADE" (Warners)

ORIENTAL—(3,940), 30c-40c-60c, 7 days. **Gross:** $26,000. (Average, $23,000.)

"EMPEROR JONES" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $8,500. (Average, $17,000.)

Week Ending Nov. 22:

"I'M NO ANGEL" (Para.)

(7th Loop Week)

ROOSEELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $9,500. (Average, $11,000.)

Week Ending Nov. 23:

"TAKE A CHANCE" (Para.)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Leo Carillo, Donald Novis, 3 Radio Rogues, Maxellos and others. **Gross:** $30,-000. (Average, $34,600.)

"THE RIGHT TO ROMANCE" (Radio)

PALACE—(2,509), 35c-50c-75c, 7 days. Stage: Lilyan Tashman, Alex Hyde and Musical Darlings, Bert Walton, Mills, Gold & Page. **Gross:** $19,500. (Average, $22,000.)

Week Ending Nov. 24:

"THE WORLD CHANGES" (F. N.)

McVICKERS—(2,284), 30c-40c-60c, 7 days **Gross:** $7,500. (Average, $13,000.)

Duluth Woman Seeks Variety Club Ward

PITTSBURGH, Dec. 3.—Catherine Variety Sheridan, ward of Pittsburgh's Variety Club, neared her fifth birthday at the Roselia Foundling Asylum unaware that a woman in Duluth was claiming to be her mother and asking for her return.

The woman made her claim of motherhood in a letter to John H. Harris, founder and honorary president of the organization. It isn't the first such claim, Harris said, since about five letters have been received, all in different handwriting, from women who said the little girl was theirs.

But this was the first letter demanding that the baby be returned. The Duluth woman stated that since she left the month-old baby in the lobby of the Sheridan Square theatre in East Liberty on Dec. 27, 1928, her husband had died. Harris said that the dates given in the letter from the woman correspond with those printed in a Sunday supplement throughout the country, but he doubts the validity of the claim, since the woman said the child's name was "Shirley Mae," while the note left on the tot when it was abandoned named her "Catherine." Harris has asked help from the police.

Memphis Set In Midst of Dry Section

(*Continued from page* 1)

and Arkansas was merely concurring with the Democratic Administration's national program.

Of course, liquor is going to be sold in these states. It always has, particularly here in Memphis. But indications are that it will still be a bootleg proposition, which militates strongly against it being of any material benefit in a business way.

Showmen are hopeful that the repeal thing will produce better business conditions elsewhere which will eventually react favorably here, but they have no hope of anyone going to work here in the making or selling of liquor.

There is another angle to the story, however, for these same showmen also point out that they do not have to fear the rivalry of the saloon or of established drinking places with entertainment. Thus, while better business conditions may be generated throughout the country, elsewhere the appearance of rival spots in the form of music halls serving liquor may serve as a counter-check. But neither will develop here.

Memphis isn't taking this thing seriously either way for the present, nor is the adjacent territory.

Portland Men Expect Few Repeal Effects

PORTLAND, Dec. 3.—Consensus of opinion among film executives is that legalized liquor will probably have little effect on box-offices here, especially during the first few weeks. They say it depends to a considerable extent on the manner of retailing, which has not been decided upon. This depends on action to be taken at an emergency session of the legislature.

Homer Gill, Oregon manager for Evergreen States Amusement Co., says repeal is "what we have been waiting for. We will keep it company by advertising bigger and better shows, advanced prices with increased quality and quantity in screen and vaudeville fare."

H. M. S. Kendrick, manager for Pantages, expects slight additional employment and box-office benefits as a result. When hotels and restaurants serve liquor this will mean more night life and consequent increases at box-offices, he says.

George Jackson, manager of Woodlaw Theatres, says repeal will prove "dynamite" to box-offices until first thirsts are slaked.

Manager Andrew Saso, Hamrick's Music Box and Oriental theatres, believes that a good lineup of attractions will get and hold increased business in spite of repeal. He bases his prediction on a steady increase during the past two months.

Colbert with Columbia

HOLLYWOOD, Dec. 3. — Claudette Colbert has signed a contract with Columbia calling for two pictures a year for two years. She is still under contract to Paramount, and will continue to work for that company.

Miller in Demand

Chicago, Dec. 3. — Jack Miller's talk before the Wisconsin M. P. T. O., as reported in *Motion Picture Daily*, has made him one of the most sought after convention speakers in the country, Miller reveals. He has—not invitations but demands to the number of a dozen or more received by mail and telegraph that he address state units in various places.

"That talk I made was reported too accurately," Miller chuckled, "but it must have registered with exhibitors who read it in *Motion Picture Daily*. I think I would have been a little less outspoken if I realized my remarks were being covered."

Miller would like to be accommodating, he says, "but I've got plenty to do right here without chasing around the country."

Warners' Checking Gets 85% Coverage

(*Continued from page* 1)

E. L. McLaren, Philadelphia; J. J. Murray, Washington, D. C.; H. E. Crawford, Atlanta, Charlotte, New Orleans; F. G. Loftus, Cleveland, Detroit; D. Stanley, Cincinnati, Indianapolis; E. Fleming, Chicago, Milwaukee, Minneapolis; J. D. Summers, St. Louis, Memphis; H. R. Hibbs, Oklahoma City, Dallas; W. W. Flynn, Kansas City, Des Moines, Omaha; A. S. Wilson, Denver, Salt Lake City; C. W. Burrows, Los Angeles, San Francisco; E. R. Bohner, Seattle, Portland.

R. A. Blake is chief field supervisor and is now on a swing of key centers conferring with his men. The company has employed as many as 700 checkers in one week, checking not only percentage accounts but also Warner theatres. Civil Service employees only are employed by the checking bureau, which has a representative on call in every town where Warner-First National has an account. The checking service started seven weeks ago.

M-G-M employs its own checkers in addition to Federal Checking Service in a number of spots.

New Record for "Pigs"

"Three Little Pigs" has set an all-time Broadway record for the run of a short subject, with 18 consecutive weeks, according to U. A. This is exclusive of bookings on the RKO and Loew circuits in the metropolitan area. Following a week at the Music Hall the cartoon played six weeks at the old Roxy. Then there was an eight-week run at the Trans-Lux. And now the French version is in its third week at the Globe.

Merian Cooper in Town

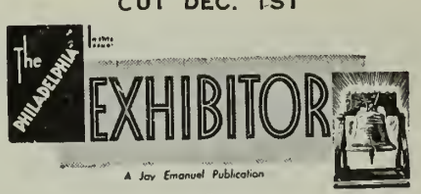
Merian C. Cooper, Radio Pictures executive producer, arrived Saturday from San Francisco accompanied by his wife, Dorothy Jordan. Cooper will confer with RKO executives here on production matters for several days and is scheduled to return to Hollywood to resume production supervision.

A

Constructive Kick-in-the-pants appears in December Issues • • • Read them!

If the foot fits you ... use it!

CUT DEC. 1ST



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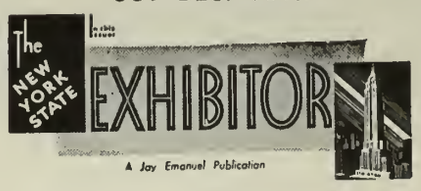
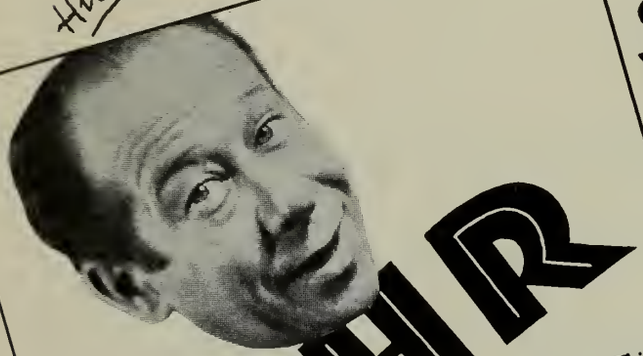


We refer your interest to the "Your Theatre" Department in these issues.

THE NATION'S GREATEST STARS ARE COMING TO YOUR HOUSE!

Hit number one



Bert LAHR

Star of George White's "Flying High," "Scandals" and Ziegfeld's "Hotcha"; Chase and Sanborn's National Broadcast and the Royal Gelatin Review in

"HIZZONER"

with JIMMIE WALLINGTON, JAMES MELTON, LORETTA SAYERS, AND FRED HILLEBRAND. The story of a local sap who ran for Mayor and couldn't win . . . but did! It palpitates with melody.

Hit number two

Ethel WATERS

Star of "As Thousands Cheer"

IN

"CHANGE YOUR LUCK"

Cliff EDWARDS (UKULELE IKE)

in

"STRANGE CASE OF HENNESSY"

Hit number three

THE FIRST OF 13 2 REEL MUSIC SHOWS

FEATURING TOP-MONEY STARS OF RADIO AND THE BROADWAY STAGE

. . . THE CREAM OF RKO'S VAST RESOURCES IN THE THEATRE AND ON THE AIR!

Van Beuren Musical Comedies

Produced in New York by **VAN BEUREN CORP.** Associate producer, Meyer Davis, world known master of musical hits whose 100 bands are touring the country. Directed by Ray McCarey, former ace director for Mack Sennett and Hal Roach; and Leigh Jason.

NRA MEMBER U.S. WE DO OUR PART

RKO RADIO Pictures
Produced by Van Beuren Corporation

HERE ARE THE STARS OF THE FIRST FEW ISSUES. MORE TO COME!

BERT LAHR
JEAN SARGENT
BABY ROSE MARIE
ETHEL WATERS
LILLIAN MILES
SISTERS OF THE SKILLET
ARTHUR TRACY (The Street Singer)
HAMTREE HARRINGTON
CLIFF EDWARDS (Ukulele Ike)
JACK FULTON
THE SOUTHERNERS
RAY PERKINS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 131 NEW YORK, TUESDAY, DECEMBER 5, 1933 TEN CENTS

Objections to Executive Order Voiced by Leaders

Hertz Cites Banks' Claim On Para. Film

Says Held Preference on $6,000,000 Negatives

Admissions that 12 creditor banks identified with the March 1932, refinancing of Paramount Publix had an exclusive claim on $6,000,000 worth of uncompleted negatives, and that the formation of six new subsidiaries in Nov., 1932, had been undertaken partly as a precaution against possible receivership were drawn from John Hertz, former chairman of the Paramount Publix finance committee by Saul E. Rogers, counsel for a group of Paramount bondholders, during the course of an examination before Referee Henry K. Davis yesterday.

Hertz's admission concerning the favorable position of the banks in

(*Continued on page 6*)

Reserve Decision on Removal of Trustees

Decision was reserved by the U. S. Circuit Court of Appeals on an action seeking the removal of the Paramount Publix trustees, arguments on which were heard yesterday by Judges Manton, Hand and Chase. The court is expected to hand down its decision on Dec. 18.

The action for removal of Trustees Charles D. Hilles, Eugene W. Leake and Charles E. Richardson was

(*Continued on page 2*)

Hearing on Denmark Injunction Up Dec. 7

Major distributors meeting at the Hays office yesterday again put off action on the closing of branches in Denmark. A hearing on the injunction obtained some time ago by Nordisk against Fox and M-G-M comes up in Copenhagen on Thursday at which time argument will be made

(*Continued on page 8*)

Poli Operation May Be Decided Tomorrow

Developments pivoting around future operation of the 18 Poli theatres in New England are expected to come to a head tomorrow when negotiations for a three-year management deal are scheduled to be closed here. Louis M. Sagal, operating the houses currently, will arrive from New

(*Continued on page 8*)

Emanuel Has Plan for New Exhibitor Body

PHILADELPHIA, Dec. 4.—A new national exhibitor organization, to supersede the present national and local unaffiliated bodies, is advocated by Jay Emanuel, local exhibitor and publisher of three regional trade papers. Emanuel proposes as a name for the organization the American Exhibitors' Congress. He advocates a local organization of the body in each exchange center with a paid secretary, devoting his entire time, for each unit. The presi-

(*Continued on page 8*)

Coast Production Shows New Decline

HOLLYWOOD, Dec. 4.—Production continues on the decline with a total of 34 features reported working during the week ending Dec. 2, as against a total of 38 for the preceding week.

Two of the major studios, including United Artists and Radio, report no actual production, while Universal

(*Continued on page 8*)

Holiday Brings New Life to B'way Houses

Prosperity grosses that made a real Thanksgiving holiday week-end for Broadway houses, beginning last

(*Continued on page 8*)

Code Authority May Meet Here At End of Week

WASHINGTON, Dec. 4.—The first meeting of the code authority will probably be held in New York the latter part of this week. A call for the meeting is expected to be sent out by Deputy Administrator Sol A. Rosenblatt within 24 hours.

It is anticipated that the method of making the investigations relating to executives' salaries and talent "raiding" provided for in the executive order issued last week with the sign-

(*Continued on page 7*)

Laemmle Appoints Weil as Assistant

Carl Laemmle, president of Universal, yesterday appointed Joe Weil, exploitation director for the last eight years, as his assistant. He takes up his new duties Jan. 1. Andrew H. Sharick, who has been in the field on exploitation and is now sales contact liaison officer between the home office and the studio, succeeds Weil as head of the exploitation department.

Warner Anti-Trust Suit Off to Jan. 10

Trial of the Department of Justice anti-trust suit against Warners, scheduled for yesterday, was deferred again

(*Continued on page 8*)

Admission Tax Views to Be Aired at Capital This Week

WASHINGTON, Dec. 4.—Amusement interests will be given an opportunity to air their views on the admissions tax planned as part of the Federal government's new fund-raising program at hearings to be started late this week by the House Ways and Means Committee, it was learned today with the announcement that the committee had begun its task of preparing tax legislation to produce $400,000,000 revenue for presentation to Congress at the opening of the session.

Expecting to receive a report from the Treasury Department containing recommendations for tax changes, the committee was advised by Acting Secretary Henry W. Morgenthau that his proposals would not be completed until about Dec. 15. Although this

(*Continued on page 7*)

M. P. P. D. A. Directors Discuss Two Phases, but Delay Action, Is Belief

Opposition to those phases of the executive order accompanying the industry code which suspend provisions for star salary control and bring the industry under the immediate direction of the administrator were voiced by executive heads of major companies during an all-day meeting yesterday of M. P. P. D. A. directors. However, no decisive action, so far as could be learned last night, was taken by the meeting.

In the course of discussions some sentiment revealing an inclination on the part of several to decline appointments to the code authority unless modification of the executive order was forthcoming, was voiced. Also, objections were made to the idea of an administration investigation of executives' salaries in the face of the suspension of the provisions for regulation of star salaries. Some resentment was also expressed over the abruptness of the Recovery Ad-

(*Continued on page 7*)

Oil Code Ruling May End Premiums

WASHINGTON, Dec. 4.—Decision last week of the District of Columbia supreme court, upholding the validity of a provision in the oil industry code banning the giving away of premiums or other free goods, is seen here as demonstrating in advance of its application the constitutionality of the

(*Continued on page 7*)

Federation Decides Today on Code Stand

Independent producer and distributor members of the Federation of the M. P. Industry will decide today what action they will take on signing the industry code.

The organization declared during code drafting meetings at Washington

(*Continued on page 7*)

Guilds Wire Their Thanks to Schenck

HOLLYWOOD, Dec. 4.—Appreciation of Joseph M. Schenck's efforts to obtain code changes in behalf of talent

(*Continued on page 7*)

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Miss Harvey Won't Dub

HOLLYWOOD, Dec. 4.—Lillian Harvey has applied for a court order restraining Fox from forcing her to dub foreign versions. The actress speaks French and German, but is disinclined, it is said, to do dubbing. Fox claims it is a "friendly" suit and is treating it that way. The suit is not affecting her status in working on American versions.

Takiff on Way East

HOLLYWOOD, Dec. 4.—Henry J. Takiff, vice-president and treasurer of General Pictures Corp., recently organized by Takiff and George Kann, is en route to New York by automobile for a month's holiday with his family there. General has just completed its first picture, "Misbehaving Girls," for Goldsmith Productions release.

Leave Today on Tour

J. J. Unger and Milt Kusell leave today for Paramount exchanges in Albany and Buffalo on the second lap of a tour of eastern branches. It's in connection with the Victory Drive.

Boles Now a Colonel

John Boles has joined the army of Kentucky colonels. He has been commissioned to the honorary post by Governor Ruby Laffoon.

Brock Signing Dempseys

HOLLYWOOD, Dec. 4.—Lou Brock is closing a deal with Jack Dempsey and his wife, Hannah Williams, for a musical comedy feature.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Advice to the Lovelorn"

(United Artists)

HOLLYWOOD, Dec. 4.—Recent headline stories anent Senor Lee Tracy and his alleged Mexican peccadillos, together with the gossip created by the incident, have made Hollywood's stormy petrel something of an itinerant hero.

The day after the story broke, a trailer heralding a forthcoming Tracy production was flashed at a local house, with Tracy's appearance on the screen receiving the acclaim of a celebrity.

"Advice to the Lovelorn," Tracy's latest screen escapade, arrives when Tracy is the talk-of-the-moment personality of Hollywood. Handled effectively, this sentiment could easily be turned to good account by sagacious showmen.

"Advice to the Lovelorn" pictures Tracy as a reporter assigned to write a column signed by a female "Misslonelyhearts"—and much to his chagrin, too.

To blast himself out of the assignment, he ladles out syrupy hooey and phoney advice to lovesick males and females. He gets into jam after jam—but the circulation of the paper goes up and up. An outraged mother wants to horsewhip him for giving cockeyed advice to her daughter, but horsewhips the editor instead. His best girl makes him squirm in and out of situations he builds for himself. A racketeer in the cut-rate drug business puts him on his payroll—sells him some drugs which Tracy believes killed his mother.

Attacking the racketeer in his column, Tracy is put on the spot—wriggles off, but is in hot water again as the film fades out with a belly laugh.

Tracy gives his usual energetic, fourth estate portrayal.

Standouts in the cast are Sally Blane, Sterling Holloway and C. Henry Gordon.

Al Werker's direction stresses comedy, the opening, kidding California, getting big laughs.

Showmen should concentrate on Tracy—his publicity—and tieups with local sheets running "Advice to the Lovelorn" columns.

Looking 'Em Over

"Hold the Press"

(Columbia)

"Hold the Press" is a departure in that it offers Tim McCoy in a non-western role. He plays a type of role new to him in a pleasant and easy manner. He is a star reporter who is set on breaking up a ring of criminals operating a parole racket and obtaining a sizzling front page yarn thereby.

McCoy's first step is to have himself placed in jail with a group of criminals, one of whom, he suspects, knows something about the activities of the gang, whose method is to lead a prisoner slated for parole

(Continued on page 8)

Stocks Steady on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26	26	26	— ½	400
Consolidated Film Industries, pfd	9½	9⅜	9½	+ ½	300
Eastman Kodak	79	78½	79	.....	900
Eastman Kodak, pfd	121	121	121	+ ½	2,000
Loew's, Inc.	29	29	29	+ ¼	100
Paramount Publix	1⅝	1½	1½	.....	4,100
Pathe Exchange "A"	11⅛	10¾	10¾	— ⅛	200
RKO	2⅛	2⅛	2⅛	.....	300
Warner Bros., pfd	6	5⅝	5⅝	— ¼	900

Trans Lux Off One-eighth on Curb

	High	Low	Close	Net Change	Sales
Sentry Safety Control	3/16	3/16	3/16	.....	200
Technicolor	9½	9½	9½	— ¼	200
Trans Lux	1¾	1⅝	1⅝	— ⅛	300

Pathe Bonds Slump One-half

	High	Low	Close	Net Change	Sales
Loew's 6s '41, ww deb rights	81	81	81	.....	1
Paramount F. L. 6s '47	24	24	24	.....	6
Pathe 7s '37, ww	81	81	81	— ½	2

Purely Personal

NITA HARVEY, SIDNEY TOWLSON and LUCILLE DETOIT, their work in Paramount's "The Search for Beauty" completed, are due in town tomorrow, homeward bound. The first two sail for England at noon tomorrow, while MISS DETOIT will leave later in the week for British South Africa.

JAMES WHALE, director of "The Invisible Man," gets in from Hollywood today. He sails tomorrow on the *Bremen* to confer with R. C. SHERRIFF, author of "A Trip to Mars," the director's next for Universal.

MONTE PROSER of the United Artists' publicity staff, hied himself to Baltimore over the week-end to be married to JULIE JENNAR.

DEPUTY NRA ADMINISTRATOR SOL A. ROSENBLATT left for Washington yesterday after a brief vacation at his Great Neck home.

IRVING ASCHER, head of foreign production for Warners, arrives from England today for conferences with SAM MORRIS.

ELIZABETH YOUNG, Paramount contract player, arrives from the coast today for a vacation with her parents here.

GARY COOPER is being held over a second week at the New York Paramount. Ditto for "Sitting Pretty."

COLLEEN MOORE departs for the coast today to play in "Success Story," her first for Radio.

JOE MAY, German director recently signed by Columbia, arrives on the *Majestic* this afternoon.

ROBERT WYLER, brother of William, and also a Universal director, reached New York yesterday.

WALT DISNEY celebrates his 32nd birthday today.

Reserve Decision on Removal of Trustees

(Continued from page 1)

brought by Samuel Zirn as counsel for a group of Paramount Publix bondholders. The basis of arguments made by Zirn yesterday was the allegation that Leake and Richardson are disqualified because of a reputed association with Chase National Bank, underwriter of a Paramount bond issue, and that banking affiliations of Hilles are prejudicial to the interests of creditors.

The action was opposed by Root, Clarke, Buckner & Ballantyne, counsel for the trustees, and by Nathan Burkan, representing a committee of 112 general creditors of Paramount Publix with claims totaling over $2,200,000.

Wyler on Way Here

William Wyler is en route to New York from the coast to attend the premiere of his latest directorial work, "Counsellor-at-Law," which opens at the Music Hall on Thursday.

He has just been given a new three-year contract by Universal.

Loretta Young in the
most glorious love story
since "Seventh Heaven"
COLUMBIA'S
"A MAN'S CASTLE"
directed by Frank Borzage

photo by Hur

the allurings

beauty of *Loretta Young* in the Columbia picture, "A Man's Castle," and the manner in which *Frank Borzage* has made the most of it is one of the things that makes the hearts of showmen glad ★

★ and that same alluring quality is what makes *National Screen Trailers* ★ made with actual scenes and actual dialogue ★ the most practical form of *"coming attraction"* exploitation ever devised ★

★ that's why people accept them as an intriguing, exciting part of the show ★ that's why these *samplevue* trailers are the best word-of-mouth show-sellers money can buy ★

★ that's how

★ ★ ★ ★ NATIONAL SCREEN SERVICE ★ ★ ★ ★

sells the show with showmanship

WHAT a picture! Class, sophistication, sparkle and polish for the high-brows; sentiment, heart-interest, movement and homely appeal for "us folks!" ALL OF IT together to appeal to the widest class of picture-goers in the country — all of it together to give you another Universal that you can shout about from the housetops!

STEP OUT WITH UNIVERSAL

BY CAND

With

ELISSA LANDI
PAUL LUKAS

NILS ASTHER

Esther Ralston, Melvyn Douglas, Dorothy Revier, Frederic Burton, Lawrence Grant, Lois January. From the play by Siegfried Geyer.
Produced by Carl Laemmle, Jr.

Directed by JAMES WHALE

LELIGHT

Hertz Cites Banks' Claim On Para. Film

(*Continued from page 1*)

connection with the refinancing arrangement by which the company obtained $13,200,000 in new credit in return for the pledging of the six negatives held by Film Productions Corp., newly created subsidiary, came as the result of persistent questioning by which Rogers sought to obtain an admission from Hertz that the banks had obtained a preference under the transaction. An action to have the bank agreement set aside has already been filed by the Paramount Publix trustees.

Hertz testified yesterday that he remembered none of the details of the bank agreement, and that the arrangements involving the security put up by Paramount for the new credit were left to the legal department and to Ralph Kohn, then treasurer of Paramount.

"All I remember," Hertz said, "is that the banks were to get commission charges and interest."

Subsequently, he testified, he was not sure about the banks getting any commission charge.

"This is all you know of a major financial transaction of a company whose financial affairs you handled and to which you came as a great financier with a three-year contract at a very liberal compensation?" Rogers asked.

Hertz smiled over Rogers' description of himself as a "great" financier and disclaiming the adjective for his own, stated he had not wanted any contract with Paramount and had taken one finally with the provision that he be permitted to resign on reasonable provocation at any time.

"But did you understand," Rogers persisted, "that this little $10,000 corporation that had been set up—Film Productions Corp.—was going to issue paper acceptable to the banks when these same banks wouldn't take the notes of the great, big Paramount Publix organization, and you didn't think it unusual?"

"I wasn't interested in the details of the transaction," Hertz rejoined. "I just wanted to get the loan and never knew what arrangements were made by those in charge of that phase of the agreement."

Didn't Know Negative Value

"You didn't know that $6,000,000 worth of negatives were pledged by Film Productions Corp. for that loan?"

"I knew there was security of some kind," Hertz replied.

"And that Film Productions Corp. was specifically prohibited by the agreement from contracting any other obligation, so that the banks, therefore, had an exclusive claim on the negatives in case of a default?" Rogers asked.

"I knew there was security of some kind," Hertz repeated.

The primary purpose of the organization in November, 1932, of Paramount Productions, Paramount International, Paramount Pictures Corp. and Paramount Distributing Corp., in addition to Paramount Publix and Film Productions Corp., was for the purpose of decentralization, Hertz testified, but later admitted that "fear" of a possible receivership also entered into the plans so that, if that eventuality came to pass, the business of the parent corporation could be carried on by active subsidiaries.

Hertz denied in this connection that any definite plan for receivership had been discussed in Paramount up to the time of his resignation in January, 1933, despite Rogers' intimations that the receivership papers, filed later in the same month, must have been in preparation prior to Hertz's departure from the company and involved preliminary conferences with the applicant for a friendly receivership.

Economies, the Purpose

"The real purpose of creating the subsidiaries," Hertz said, "was to effect economies by decentralizing such as had been achieved through decentralization of the theatre department."

"How was the creation of six corporations with six accounting staffs, where there had been but one, expected to effect an economy?" Rogers wanted to know.

"In decentralizing the theatres," Hertz replied, "we found that elimination of many home office departments worked an economy. We expected the same thing to result from decentralization of the entire organization. Moreover, we anticipated income tax economies to follow."

Hertz revealed that, in attempting to effect economies throughout the entire Paramount organization, he had "gone over the relative situation," with the result that a number of persons on the payroll, known to be related to executives of the company, were either asked to resign or subjected to drastic salary reductions where Hertz's investigation found them to be warranted.

Elek J. Ludvigh, former head of the Paramount legal department, was asked to resign, Hertz said, and the entire department was scrutinized with the result that its overhead was reduced from $800,000 to $400,000 per year.

"Ludvigh, whom I believe was a relative of Adolph Zukor's, had been getting $75,000 before I asked him to resign," Hertz said. "An assistant of his, receiving $45,000, I reduced almost 50 per cent, and others in the department receiving from $25,000 to $40,000 a year, I cut to about $15,000.

"Felix Kahn, whom I believe is a brother of Otto Kahn, the Paramount banker with Kuhn, Loeb & Co., had his salary cut in half immediately and was asked to resign on Jan. 1, 1933."

"What was Kahn's job?" Rogers asked.

"I couldn't find out," was the answer. "He had been there about 14 years. I found there were several Felix Kahns in the organization."

Subsequently, Hertz testified that he had "protested" the salary paid Al Kaufman, production assistant, and had investigated the salary paid the late Emil Shauer, vice president in charge of foreign distribution, and that of Melville Shauer, a son, employed at the studio.

Quizzed on Resignations

"I felt Shauer's salary was fair and believed him to be essential to the company. I found that Melville Shauer received a nominal salary and the studio manager told me he was valuable. Reductions were made in their salaries, however."

Questioned on the resignations of various Paramount executives during 1932, Hertz said that while he had been the one commissioned to ask Sidney R. Kent to resign, he felt Kent to be a "very able man" who was in a peculiar, personal position in which he "couldn't or wouldn't function properly."

"I discovered," Hertz said, "that Kent, who was in charge of sales, hadn't been in the office of Sam Katz, theatre head, in two years, and that only memorandums had passed between the two in that time. I felt that it was a very unhealthy condition for both the corporation and Kent. The entire board agreed to his resignation."

In reply to a question put by Rogers, Hertz said he " had no opinion on George Schaefer's qualifications as a successor to Kent. I just acquiesced to his appointment," he said.

Hertz added that he had had "nothing to do" with the resignation of B. P. Schulberg, other than agreeing to it, nor with his later signing as a unit producer.

Schulberg a Good Producer

"I was told, however," he said later, "that Schulberg was held to be a good producer but a poor executive."

Hertz maintained that his own resignation was solely due to differences with Zukor, and not prospects of a receivership for the company.

"I came back from a vacation on Jan. 2 with no thought of resigning," he said, "and learned during my first half hour in the office of Zukor's opposition to some things I had done and this precipitated my resignation.

"I felt that Zukor didn't appreciate my efforts and I was ready to go home," he said later.

Zukor testified on the stand several weeks ago that the "things" Hertz had done, which he opposed, were the latter's efforts to take over production and advertising charge.

Hertz testified Emanuel Cohen had drawn $160,000 to $200,000 a year, salary and bonuses, as head of the Paramount newsreel, and had assumed charge of production in Hollywood at a salary of $100,000 per year, and had replaced two men whose combined salaries were $750,000 annually, "and is doing a good job, I understand," he added.

Hertz bristled and rose to the defense of his business friend, Albert D. Lasker, when Rogers charged that Lasker "had done nothing for Paramount but had taken a nice, fat advertising contract from the company for his agency, Lord, Thomas & Logan."

Names for Prestige Purposes

Hertz, who admitted bringing Lasker and the late William Wrigley, Jr., into Paramount as directors "for the prestige their names meant to the company," retorted Lasker hadn't "grabbed" the Paramount advertising account.

"It was given to him," Hertz said, "and he did the job better than it had ever been done before and at the same price that had always been paid. Lasker wouldn't have taken the account if I hadn't urged him to. Money isn't the only consideration with him. He turns down four-fifths of the accounts offered him."

Rogers also probed the interest of Kuhn, Loeb & Co. in Hertz's appointment to chairmanship of the Paramount finance committee at a time when the bank admittedly had no Paramount financing under way or contemplated. While admitting he had discussed all phases of Paramount's financial affairs with Sir William Wiseman, in his dual capacity as a member of the Paramount finance committee and a representative of Kuhn, Loeb, and also with Otto Kahn of the banking firm, Hertz maintained these discussions were merely in the interests of aiding Paramount to complete its bank credit agreement of March, 1932. Kuhn, Loeb did not participate in this agreement.

The examination of Hertz was completed yesterday and as no requests were made to produce other witnesses the examination was adjourned sine die.

Innocent

Samuel Zirn, attorney for a group of Paramount Publix bondholders, who completed a lengthy examination of John Hertz, former chairman of the Paramount finance committee, was granted permission yesterday by Referee Henry K. Davis to renew questioning of the witness on Zirn's plea that he had "unearthed some vital, new information."

It developed Zirn had been advised that Lawrence Stern, head of a Chicago investment house which underwrote part of a Paramount bond issue, and in which Hertz has an investment, was a brother-in-law of Hertz's. This the former Paramount finance chairman laughingly denied.

He also denied, in reply to questions of Zirn's, that he had ever kept a "diary of his business engagements."

Says Formed Subsidiaries As Protection

Rogers Disapproves

Several verbal clashes between Saul E. Rogers, attorney, and John Hertz, former chairman of the Paramount finance committee, marked the latter's two and one-half hours on the witness stand before Referee Henry K. Davis yesterday.

One of these occurred when Hertz, apparently angered by Rogers' observation that the witness should remember more of the details of his tenure as Paramount exchequer, declared, "I was doing the best I knew how for Paramount every day I was with the company and I don't think I have to account to anyone for the job I did, whether it turned out good or bad."

"But you do, Mr. Hertz," Rogers rejoined. "You have to account to these creditors, and I think you did a very poor job."

Objections to The Executive Order Voiced

(Continued from page 1)

ministration's action in suspending the salary control provisions after they had been a part of the third code draft for more than six weeks. It was felt by several M. P. P. D. A. directors that the lengthy deliberations through which the salary control provisions were arrived at, merited new discussions prior to their peremptory suspension under the executive order.

Powers granted the administrator by the executive order, some objectors held, subjected the industry to an administration rule and supervision which amounted to discrimination in that other codes subjected no other industry to supervision of the same extent, it was said.

The meeting opened at the Hays office early yesterday, and reconvened there in the afternoon after a luncheon at the Union League Club, continuing until early evening. Attending were Will H. Hays, M. P. P. D. A. president; F. L. Herron, secretary; Nicholas M. Schenck, president of Loew's and M-G-M, and a code authority appointee; Sidney R. Kent, president of Fox, also a code authority appointee; Joseph M. Schenck, president of United Artists and 20th Century Pictures; R. H. Cochrane, vice-president of Universal, and a code authority appointee; Harry M. Warner, president of Warner-F. N., a code authority appointee; E. W. Hammons, president of Educational; M. H. Aylesworth, president of RKO, a code authority appointee; George J. Schaefer, Paramount general manager, a code authority appointee.

Kent left the meeting early to entrain for the coast. So far as could be learned, up to the time of his departure he had not designated an alternate to replace himself on the code authority at its first meeting, which, Washington advices stated yesterday, may be called late this week in New York by Deputy NRA Administrator Sol A. Rosenblatt.

Repeated efforts to reach Hays at his home last night for comment on the meeting's developments were unsuccessful. Warner, reached at his home, declined to comment on the happenings, as did Hammons.

Code Will Aid Guild

HOLLYWOOD, Dec. 4.—Although the producers have so far failed to recognize the Actors' and Writers' Guild, members of the latter organization contend that the code will automatically force their being recognized, through collective bargaining.

Discuss Code Today

Discussions of the signed code will be held today by Allied of New Jersey and the I. T. O. A. The former unit will meet at its headquarters in New York, while the latter exhibitor organization will gather at the Astor.

Fay Bainter's First

HOLLYWOOD, Dec. 4.—Fay Bainter will make her bow in talking pictures in M-G-M's "It Happened One Day."

Admission Tax Views to Be Aired at Capital This Week

(Continued from page 1)

delay will make it impossible for the committee to follow the usual procedure of hearing Treasury officials first, Chairman Doughton of North Carolina plans to open hearings in the next few days. No schedule of witnesses has yet been prepared, but it is understood representatives of the amusement business will be among those to be heard.

With a need for additional funds predominant, it is not anticipated there will be any tax reductions of more than nominal nature, especially in view of the fact that at the beginning of the year the gasoline tax will be reduced by a half cent per gallon, the five per cent levy on dividends will be repealed and the excess profits tax will expire at the close of the current tax year for each corporation. On July 1 the capital stock tax will be eliminated. These taxes were imposed under the National Recovery Act, with a proviso for their elimination in the event of repeal of the 18th Amendment.

One of the major features of any legislation recommended by the committee is expected to be a provision requiring corporations and individuals to deduct losses from income in the years sustained and another penalizing heavily the setting up of holding companies as a means of evading income tax responsibilities.

Court Ends "U" Stay

HOLLYWOOD, Dec. 4.—The restraining order against Universal's using Mickey Rooney against the permission of Larry Darmour was lifted here yesterday by the courts. However, a suit for $50,000 against Universal by Darmour is being pushed. Rooney returns to Darmour early next week.

Kauffman Post Unfilled

No successor to Phil Kauffman, general manager for Warners in Germany, Scandinavia and Central Europe, has been appointed by Sam Morris, head of foreign activities for the company. Morris yesterday stated he had made no plans to fill the post as yet.

Kauffman died last Saturday in Stockholm.

Frederick Prod. Broke

HOLLYWOOD, Dec. 4.—Frederick Productions, jointly owned by Pauline Frederick and Morris J. Herbert, has been declared bankrupt in Federal Court here. Liabilities are listed at $16,000.

Alice White Married

MAGDALENA, MEX., Dec. 4.—Alice White and Sidney Bartlett, writer, who were married here yesterday, are honeymooning at a Mexican ranch owned by a friend.

Moses to Columbia

Vivian Moses has joined Columbia as special publicity representative handling "Paul Street Boys," Frank Borzage's next for the company.

Second Youngclaus Suit to Start Soon

LINCOLN, Neb., Dec. 4.—Second of the famous Youngclaus cases will begin in Federal Court here late this week or early next week.

In his first suit, William N. Youngclaus, Madison, Neb., theatre owner, won an injunction against the major distributors, Publix and the Omaha Film Board of Trade to prevent enforcement of a zoning and protection agreement. It was the first test case on protection.

The second suit involves Youngclaus' request for $255,000 damages for alleged injury to his business as a result of the zoning and protection agreement. A third suit, yet to be tried, asks further damages for alleged violations of the injunction obtained in the first suit.

Maryland Weighs End of Sunday Ban

BALTIMORE, Dec. 4.—A favorable report by the Judiciary Committee has been adopted by the House of Delegates, in session at Annapolis, Md., on the bill to authorize Sunday shows and sports in Montgomery County. It was introduced by Delegate Farrington.

Delegate Edmunds has introduced a bill to increase the power of the state insurance commissioner to investigate fire hazards and it has been referred to the Judiciary Committee.

Hornblow Here for Rest

Arthur Hornblow, Jr., associate producer for Paramount, arrived from the Coast yesterday for a vacation and plans to leave the end of the week for Warrenton, Va., to visit his family. He returns next week and stays over the Christmas holidays, returning to Hollywood by Jan. 1.

While in New York Hornblow will look over new plays, artists and writers. His first of the seven planned for Paramount during the year is now under discussion. The associate producer will line up his production staff when he gets back on the Coast.

Baer Flying East

HOLLYWOOD, Dec. 4.—Max Baer is flying to New York for a four-week stage engagement at Loew's State beginning Dec. 15. He will at the same time act as master of ceremonies at the Casino de Paree. He will receive $3,500 weekly for each engagement.

Honor Flinn on Coast

HOLLYWOOD, Dec. 4.—John Flinn, head of the A.M.P.A., was the guest at a luncheon today of some 32 studio publicity heads and theatre advertising managers, to whom he explained the new morality clause in the industry code.

Van Dyke Back at Studio

HOLLYWOOD, Dec. 4.—Director W. S. Van Dyke, Ramon Novarro, and Agnes Anderson have returned from a four-week location trip to Arizona filming "Laughing Boy" for M-G-M.

CodeAuthority May Meet Here At End of Week

(Continued from page 1)

ing of the code by the President will be made known following the return to Washington of Rosenblatt, who left this evening for the two-day M.P.T.O. of Ohio convention at Columbus, which opens tomorrow.

Prior to his departure, Rosenblatt began winding up the work of codifying the remainder of the amusement industry, and fixed Dec. 19 as the date for the hearing on the code for amusement parks, pools and beaches, and Dec. 21 for the hearing on the circus code. Neither, it was indicated, offers any difficult problems and are expected to be concluded without delay.

Oil Code Ruling May End Premiums

(Continued from page 1)

similar provision in the film code.

Suit was brought by a number of Detroit service station operators to enjoin the oil administrator from applying the premium provision of the code. It was the first case directly involving the constitutionality of a code.

The film code provision on premiums provides for the banning of the practice in any territory where 75 per cent of the exhibitors vote approval of the ban.

Guilds Wire Their Thanks to Schenck

(Continued from page 1)

was voiced in the following wire sent the United Artists and 20th Century head in New York by the board of directors of the Screen Actors' Guild yesterday:

"The board of directors of the Screen Actors' Guild wishes to express its deep gratitude to you for your efforts in behalf of the creative workers during the code conferences. Your understanding of our problems and your willingness to fight with us are indicative of your broad vision. Our contention is that the close cooperation necessary for the making of good pictures is only possible when both employer and employe are satisfied that they are getting a fair deal. We are confident that others will follow your example and restore harmony in the industry. Best wishes for your continued success."

Federation Decides Today on Code Stand

(Continued from page 1)

that it would oppose any code which did not specifically prohibit regulation of double featuring. The code as signed by President Roosevelt makes no mention of duals.

The Federation meeting will be held this afternoon at the offices of Jacob Schechter, counsel for the organization. Meanwhile, none of the producer and distributor members of the Federation has signed the code.

Emanuel Has Plan for New ExhibitorBody

(Continued from page 1)

dent and secretary of the national congress would also be paid and devote all their time to the organization.

Emanuel recently retired as treasurer of the M. P. T. O. A., a post he held for many years. He operates a number of theatres in this zone.

Plans for a new national exhibitor association to comprise all theatre owners regardless of affiliation have been under discussion by exhibitor leaders for some time, but have never progressed beyond the talking stage. According to the discussions, a new local unit would be set up in each key center and a representative of each group elected to a national board, which, in turn, would elect a national president.

Holiday Brings New Life to B'way Houses

(Continued from page 1)

Wednesday night, and ending Sunday night, fell off sharply yesterday due to inclement weather. The Broadway stands, however, looked for some strengthening of the takes late today and throughout tomorrow when repeal crowds are expected to throng the theatre district.

The expected patronage linked up with repeal, however, does not count on the celebrants but on the crowds of curious who are expected to be drawn to the Times Square area for a casual looking over of repeal celebrations slated for late today and tomorrow. Numbers of these are expected to find their way into theatres after inspecting the repeal scene.

The Music Hall reported a sensational four-day holiday take of $70,000, aided by the holiday price scales in effect on three of the four days. Radio's "Little Women" is in its third week at the house. The Capitol reported approximately 75,000 paid admissions for the same stanza and the Paramount, featuring Gary Cooper on the stage also reported capacity business for the period. Warners' Strand and Hollywood did their best week-end business of the fall, it was reported, while the Mayfair and Palace played to near capacity business from Thanksgiving Day through Sunday.

The two-a-day houses, Criterion and Astor, reported sellouts for the four days and business was reported well above average at Broadway second runs.

Warner Anti-Trust Suit Off to Jan. 10

(Continued from page 1)

by the U. S. District Court here, this time to Jan. 10, 1934.

The Government's suit, based on Warners' acquisition of First National, has been pending for more than two years. Indications are now that the action will be indefinitely suspended because of the operation of the industry code, which, under the National Recovery Act, makes the anti-trust laws inoperative for parties to an NRA code.

Looking 'Em Over

(Continued from page 2)

into believing that its influence is responsible for his being set free, then continuing to prey on him on the threat of having him committed again if he refuses to come across. Several times McCoy escapes death by a hair, but by the time the end rolls around he is alive and in the arms of the sister of a paroled chap whom he has helped to escape the demands of the racketeers.

The film is only mildly exciting for a melodrama. The only two sequences that create more than a passing stir are those in which the gang pursues McCoy in an effort to "rub him out." Shirley Grey plays McCoy's sweetheart. Wheeler Oakman and Bradley Page are the heads of the racket.

This is a picture for neighborhood houses.

Nields Hands Down Patent Suit Opinion

WILMINGTON, Dec. 4. — Plaintiffs and defendants divided benefits in the legal tilt over talking motion picture producing, reproducing and manufacturing and leasing of equipment as a result of an opinion handed down today in the U. S. District Court here by Judge John P. Nields on one phase in the preliminary legal skirmish connected with the suit of Stanley Co. of America, Duovac Radio and General Talking Picture Corp., plaintiffs, against A. T. & T., Western Electric and Erpi, defendants in each instance.

The plaintiffs allege violation of the Clayton Sherman anti-trust acts through monopolization. A conspiracy to restrain such trade also is alleged by the plaintiffs, who charge that Western Electric and later Erpi entered into certain agreements with producers and exhibitors of sound pictures, the effect of which it is said, was to establish a monopoly.

Judge Nields' opinion on the phase of the case follows:

"Under the above interpretations of rules, it may well be that the motion for certain particulars should have been granted. The general denial of the motion is not, therefore, to be taken as a precedent, in view of the statement of counsel for the defendants that it is immaterial whether the information sought is obtained by way of particulars or interrogatories, the order denying the motion for particulars will stand.

"It is unnecessary to deal with the interrogatories seriatim. All interrogatories filed in each of the three cases, as modified by the defendants at the hearing, should be answered. Objections to the latter interrogatory should be sustained."

Jolson to Return East

HOLLYWOOD, Dec. 4.—Al Jolson will return to New York about Dec. 10 to continue broadcasts for the Phenix Cheese outfit, at which time he will have completed "Wonder Bar" for Warners.

Decision to go east was made following word that Paul Whiteman, who also appears on the same ether time, would be unable to leave New York.

"Killers" for Rialto

Arthur Mayer has booked "Killers of the Chaparral" at the Rialto, starting today. The picture, being released by Astor Pictures, also goes into the Fox, Brooklyn, starting Dec. 8.

Boylen Sees Growth Of British Pictures

TORONTO, Dec. 4.—In his report for the year ending Oct. 31, Chairman J. C. Boylen, of the Ontario Board of Motion Picture Censors, lays particular stress on the growth of British film distribution in this province, although non-British films continue to form the bulk of bookings. He also offers a boost for pictures with a British background.

During the fiscal year, 490 American features were imported against 76 British ones in the Province of Ontario alone. There were also 2,219 releases submitted to the board. Of these, 1,494 were approved as submitted, 701 after changes were made, and 24 rejected entirely. The number of condemned films was the lowest in several years.

Henger Named Head Of Oklahoma Group

OKLAHOMA CITY, Dec. 4.—George Henger, former zone manager for Warners here, has been named city manager for the Standard Theatres, Inc., the new management organization for the combined Warner and Regal houses, which includes the Cooper-Public Regal houses, the Criterion, Capitol, Victoria, Circle and Ritz, and the Warner group, the Mid-West, Liberty, Empress and Folly.

Under the pooling agreement all Oklahoma City houses will be enabled to use the entire product options of both groups jointly.

Fairbanks, Jr., Back

Douglas Fairbanks, Jr., returned yesterday aboard the *Bremen* from England, where he has been working for London Film Productions. He will resume his career in America by co-starring with Colleen Moore in "Success Story" for Radio. His first for London Film Productions, "Catherine the Great," will be released through United Artists.

Principal Enlarges

Principal Film Exchange, Inc., has taken larger space on the seventh floor of 630 Ninth Avenue. Nat Cherin and S. S. Krellberg will stage an office-warming party tomorrow.

Col. May Get Turner

Terry Turner, formerly of Loew's, RKO and latterly with Publix, may join Columbia as head of the radio department. A deal is understood to be now under way.

Coast Production Shows New Decline

(Continued from page 1)

will join the group of dark studios next week, making a total of three.

The studio most active last week was Warners with eight features in work, four preparing to start within the next two weeks and 12 in the cutting rooms. This is followed with M-G-M reporting five, five and 12; Fox, five, four and four; Paramount, five, two and five; Columbia, five, three and two; Universal, one, one and eight; United Artists, zero, two and three; Radio, zero, three and nine. Independents report five, three and six.

The short subject group reports about the same activity as the preceding week—10 working, 10 preparing and 22 in the cutting rooms.

Poli Operation May Be Decided Tomorrow

(Continued from page 1)

Haven Wednesday to confer with his attorneys on a deal which would transfer the houses to an outside operating company.

The deal by which Poli-New England officially takes over the group of theatres also has been held up pending the closing of negotiations with the contemplated new circuit operators. Poli-New England, according to present plans, is scheduled to take the houses Dec. 13. This company, in turn, will make a three-year management agreement with the new exhibitors.

Sagal was in New York last week conferring on the deal which was put off until tomorrow. He denied last night that Loew's was the interested party.

Hearing on Denmark Injunction Up Dec. 7

(Continued from page 1)

to lift it. Attorneys for Erpi will argue the case.

The Thursday hearing will not deal with an appeal made by Erpi some time ago when the question of patent rights was decided against them by the lower court. This is slated to be heard later.

Decision on the injunction in Denmark will affect the Scandanavian territory. Distributors are mulling over the advisability of closing offices there, but will decide after the Denmark situation is settled.

Hits "Offensive" Films

Catholics were urged to stay away from pictures, plays and literature "offensive to Catholic ideas and ideals" in a sermon delivered by Rev. Ignatius W. Cox, professor of economics at Fordham, in a sermon delivered at Our Lady of Mercy Church.

William H. Rapley Dead

WASHINGTON, Dec. 4.—William Harriman Rapley, 76, owner of the National, is dead. He had been troubled with heart disease.

Lesser Arrives Today

Sol Lesser, president of Principal Distributing Corp., arrives today on the *Majestic* after six weeks abroad.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 132 NEW YORK, WEDNESDAY, DECEMBER 6, 1933 TEN CENTS

INDUSTRY SELF-CONTROL IMPERILLED UNDER CODE

Little Help From Repeal, Coast's View

Additional slants on repeal and how it may affect theatre business appear on page 5.

HOLLYWOOD, Dec. 5.—Prohibition passed out of the national picture tonight and found one sector of studio opinion firm in its belief that quality pictures and that alone will keep the box-office happy.

Carl Laemmle was one, however, whose definite idea was that repeal will divert money which ordinarily might go to theatres to the purchase of liquor. He said:

"Just as picture theatres profited by the closing of saloons, so will they suffer from re-opening, whether called saloons or by some other name.

"All the re-employment following repeal will be but a drop in the bucket compared with the money spent thereafter for booze,

(*Continued on page 5*)

Ohio's Key Cities Show Forward Spurt

COLUMBUS, Dec. 5.—A survey of retail business over the week-end in some of the major keys indicate a definite improvement over the corresponding period of last year, which is causing exhibitors to visualize a better-than-seasonable attendance during the pre-holiday weeks.

Akron stores report holiday business up 20 per cent in dollar volume,

(*Continued on page 8*)

Point for Petrillo In Fight on Union

CHICAGO, Dec. 5.—The temporary injunction sought by Frank Ririzzo and Nicholas Belcaster against James Petrillo, head of the Chicago Federation of Musicians, was denied today by Master in Chancery Julius Miner

(*Continued on page 9*)

It's the Law

Washington, Dec. 5. — All provisions of the code become operative on the effective date, regardless of the exhibitor's signature. The code is law for the entire industry whether members sign or not, it is officially stated.

Plans on P. P. Units Meet a Slight Delay

The reorganization plan for Paramount Publix being prepared under direction of Sir William Wiseman of Kuhn, Loeb & Co. is being delayed pending determination of the extent of increased operating costs for the corporation under the labor provisions of the industry code, it was learned yesterday.

The plan is well past its preliminary stage, it was said, but further development, because of the bearing of increased operating costs under the code on the future cash requirements of the company, is expected to progress slowly for the next 30 days. Further stabilization of general business conditions throughout the country, which is being awaited, and effects of the

(*Continued on page 9*)

Local 306 Nominates Its New Slate Today

With nominations for all officers of Local 306, except President Harry Sherman, to be held today, three different tickets will be presented at the meeting at Oddfellows Hall, Brooklyn.

In addition to the present ticket being submitted for continuance in

(*Continued on page 8*)

Ace Berry Resigns; Plans Own Circuit

INDIANAPOLIS, Dec. 5.—Ace Berry, one of the best known theatremen in the Middlewest, today resigned as gen-

(*Continued on page 8*)

Executive Order Delegating Arbitrary Powers to Administrator Confronts Trade With Crisis Under NRA Rule

By MARTIN QUIGLEY

The motion picture industry now finds itself confronted with an acutely confused status as result of the Executive Order accompanying the signed code as released last week by the National Recovery Administration.

Mature examination of the Executive Order as a part of the industry code reveals that the Administration has undertaken to place the motion picture business in virtually an unparalleled position with respect to other industries which have come under the provisions of the National Industrial Recovery Act.

After months of heroic effort on the part of principal executives of all branches of the industry to draft a code in conformity with the announced purposes of the NRA program and, at the same time, retain within the industry authority and responsibility for the conduct of the business, it now appears that the Administration, through the Executive Order, has appropriated to itself complete authority over the affairs of the industry and has erased the provisions made for the maintenance of the principle of self-regulation under government supervision.

Although the Code of Fair Competition for the Motion Picture Industry as signed by the President is virtually identical with the code which was signed and accepted by principal factors in the industry, the document as it now stands, with the inclusion of the Executive Order, is a new and alien arrangement, radically different in its essence than the code plan agreed upon.

It is pointed out that, while the leading interests in the industry inclined originally toward the plan of a separate code for each of the principal branches of the business, it eventually yielded to the importunings of the Administration and entered upon the difficult task of formulating a single master code. In thus proceeding, it became necessary to intro-

(*Continued on page 4*)

MPPDA Move Fails to Stir NRA Officials

WASHINGTON, Dec. 5. — Reports from New York to the effect that a "secret meeting" of M. P. P. D. A. directors yesterday had determined to file a protest against the code with the National Recovery Administration and ask that the effective date of the code be suspended until existing differences of opinion had been harmonized were received by Administration officials today with a marked lack of enthusiasm.

No protest, it was said, has yet been received and, it was indicated, any request for an extension of time before the agreement goes into effect will receive little consideration.

Reports from New York indicated that the Hays organization was op-

(*Continued on page 9*)

Labor Reports It's Pleased with Code

Organized labor is satisfied with the set-up of the code authority and the provisions of the Executive Order and the code for adding labor represen-

(*Continued on page 4*)

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Broadway Holdovers

Shows which will be held over for a second week are "Sitting Pretty" at the Paramount, "Dancing Lady" at the Capitol, "Gow" at the Cameo, and "The Invisible Man" at the RKO Roxy.

Adams Quits Majestic

Cleve Adams, special representative for Majestic, has resigned and is now in Chicago on a visit.

"ASK THE MAN WHO PLAYED IT"
NOW ACCEPTING DATES FOR NEXT TEN YEARS
Greatest Perpetual Roadshow Motion Picture Ever Produced
Forgotten Men
For State Rights Apply To
JEWEL PROD. INC.
723-7th Avenue, N. Y. City

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Gallant Lady"

(20th Century)

HOLLYWOOD, Dec. 5.—"Gallant Lady" is big and fine. A thrilling picture, throbbing with a measured beat of human sympathy.

Audiences will meet, know, and be pulling for as swell a group of human beings, led by Ann Harding and a stellar cast, as have graced the screen in some time.

Not since "Holiday" has Miss Harding been accorded such a genuine, sincere and meaty role. She handles it with feeling and telling effect.

The story concerns a girl courageous. Her fiance, killed in a take-off on a trans-Atlantic flight, forces her to have her child adopted. Her attachments to three men, her business success, her yearning and quest for her baby boy, and her final break for happiness are meager highlights of an absorbing plot.

Charged with quiet power, suffused with poignant pathos, the picture reveals dramatic heartbreak in a touching and tender mood. Sigh and sob are broken by smiles and laughs. Ann Harding softly etches a portrait that engraves itself on one's memory.

Clive Brook, as a social outcast, elevates human frailty superbly. Tullio Carminati is gay, Otto Kruger is dependable, and both give quality performances as the two other men in Ann Harding's life. Janet Beecher, rich in stage experience, turns in a warm, competent and sincere portrayal. Dickie Moore is a lovable, regular fellow. Betty Lawford, as the female menace, handles a tough job nicely.

Gregory La Cava's direction, keeping the human values well in front at all times, is expert in all departments. Sam Mintz's screen play is a model of craftsmanship.

"Gallant Lady" explores the heartaches and gropings of real people. Its soft symphony reaches the hidden springs of emotions and plays wholesome music on the heartstrings.

Appealing to all classes, "Gallant Lady" may well be considered outstanding, should do standout business where Ann Harding's name pulls and should rejuvenate her popularity elsewhere.

Form DuWorld Corp.

Irving Shapiro and Archie Mayers have formed DuWorld Pictures Corp., and are planning the release of 12 features, 12 featurettes and 24 two and one-reel subjects. Shapiro was formerly with RKO and Mayers has been sales manager of Embassy Pictures and Colorfilm Corp.

Brand in Town

Harry Brand, west coast publicity chief for 20th Century Pictures, arrived in town yesterday. He remains for a brief vacation.

Grainger on New Trip

James R. Grainger, Universal's general sales manager, left on a five weeks' sales trip yesterday, via Canada. He will reach Hollywood in time for the holidays and return to New York shortly after the first of the year.

I. T. O. A. Meet Thursday

Weekly meetings of the I. T. O. A. have been changed from Tuesdays to Thursdays at the Astor. The switch is due to Allied of New Jersey meeting on Tuesdays in New York.

Eastman Leads General Rise

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26½	26¼	26½	+ ½	500
Consolidated Film Industries, pfd	9¼	9¼	9¼	+ ¼	200
Eastman Kodak	84½	79½	84½	+5½	2,400
Fox Film "A"	14⅛	14	14⅛	+ ⅛	300
Loew's, Inc.	30⅜	29¼	30⅜	+1⅜	2,600
Paramount Publix	1⅞	1½	1¾	+ ¼	7,200
Pathe Exchange	1⅞	1⅝	1¾	.....	200
Pathe Exchange "A"	11¾	11	11½	+ ¾	2,200
RKO	2⅛	2⅛	2⅛	.....	100
Universal Pictures, pfd	19¾	17	17	—4	6,000
Warner Bros.	6¼	5⅝	6¼	+ ⅝	3,800

Curb Trading Very Light

	High	Low	Close	Net Change	Sales
Sentry Safety Control	3/16	3/16	3/16	.....	100
Technicolor	9½	9½	9½	.....	300

Most Bond Issues Remain Steady

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3⅜	3¼	3¼	.....	5
General Theatre Equipment 6s '40 ctf	2¾	2¾	2¾	— ¼	1
Keith B. F. 6s '46	46¾	46¾	46¾	+ ¾	1
Loew's 6s '41, ww deb rights	81½	81½	81½	+ ½	1
Paramount F. L. 6s '47	24	23¾	24	+ ¼	8
Paramount Publix 5½s '50	24	24	24	— ½	14
Pathe 7s '37, ww	80½	80½	80½	— ½	2
Warner Bros. 6s '39, wd	38¾	38½	38¾	.....	14

Purely Personal

JOHN BOLES, recently appointed a Kentucky colonel, sang on the "Kentucky Colonel Hour," in behalf of the NRA, over the Columbia network last night.

TOM BAILY, publicity head at the Paramount studios, is in New York on an advance campaign for CHARLOTTE HENRY, star of "Alice in Wonderland." He'll stay about a week.

MIKE MARKEL'S orchestra will supply the music for the benefit dance of the Walden School building fund at the 7th Ave. Roxy Friday evening.

BILL RUDOLPH, U. A. exploiteer, left for Cleveland yesterday to exploit "Broadway Thru a Keyhole" at the Allen.

PAUL MUNI and his wife will arrive today or tomorrow from the coast for a month's vacation here.

IRVING MANDEL, Chicago Monogram franchise holder, is in town conferring with W. RAY JOHNSTON.

HERMAN WOBBER and JOHN D. CLARK return from a tour of Fox western exchanges on Friday.

DON DEAN, South American radio star, is at the Warwick for his first visit here in three years.

SOL LESSER, JOE MAY and IRVING ASCHER arrived on the *Majestic* late yesterday afternoon.

EDWARD BENSEN, formerly head of the U. A. Cincinnati exchange, is in town.

L. J. SCHLAIFER has put off his trip to U. A. western exchanges until next week.

BERT LAHR has been signed for two more Radio musical comedy shorts.

MRS. PETER FREUCHEN is now on the high seas bound for Denmark.

TIM MCCOY arrives from the coast at the end of the week.

Cooperation Sought In 2 Charity Drives

The industry in New York is expected to participate in two local charity drives. One is on behalf of the Federation for the Support of Jewish Philanthropic Societies which is attempting to raise $100,000 toward the $4,200,000 total being sought for the support of the Federation and its 91 affiliated charitable agencies. The film division drive is headed by an executive committee comprising Albert Warner, David Loew, Ralph Kohn, Jack Cohn, and Max Gordon, stage producer.

The second is the Citizen's Family Welfare Committee campaign for $4,000,000, the industry's quota being $25,000. Louis Nizer is chairman of the film division.

For Christmas Week

GIVE THEM THE SKITCHES... AND KEEP THEM IN STITCHES

• Run your eye over that cast... see why this is the perfect happiness show... for children *and* adults. A guarantee of big trade... morning, noon *and night!*

• Rollicking adventures of the wandering Skitches... roaming the U.S. in their rheumatic old car... taking in the tourist camps ... being taken over by tourist scamps.

WILL ROGERS

in

Mr. Skitch

with

ZASU PITTS

Rochelle Hudson **Florence Desmond**

Harry Green **Eugene Pallette**

Directed by James Cruze

Based on the story "Green Dice" by Anne Cameron

Your patrons always like
FOX MOVIETONE NEWS

JOIN THE UPSWING WITH FOX

Code Endangers Self-Control

Executive's Order Means Trade Crisis

(Continued from page 1)

duce provisions applying to delicate and complex trade practices, the assumption, of course, being that in the actual administration of the code, under the Code Authority provided for, the voice of persons of experience and ability—as well as wide responsibility for investments in the industry—would prevail.

However, under the Executive Order the decisions of the established Code Authority are subject to review by the Administrator who, incidentally, is concerned also with several hundred other codes which are now in one stage or another in the process of formulation and execution. Nominations which the industry has made to the Code Authority consist in each instance of leading personalities representing all of the important interests of the industry. Under the Executive Order any decisions arrived at by these representatives may be reviewed and reversed. And further, the Executive Order provides for their removal at the Administrator's pleasure.

A Perplexing Slant

Section I of the Executive Order states that, because the constituency of the Code Authority is named, the Administrator shall have the right to review and disapprove decisions made. This is a particularly perplexing feature of an altogether perplexing matter, the argument apparently being that if the constituency had not been named—and if the persons to comprise the Code Authority were not known and their fitness for the responsibility not subject to examination—then the Administrator would not have reserved arbitrary prerogatives to himself.

The second section of the order seems to allocate extraordinary attributes of fairness, justice and impartiality to the Administrator because it is intended to enable him to remove any member of the Code Authority who "shall fail to be fair, impartial and just."

Although Deputy Administrator Sol A. Rosenblatt informed representatives of the industry while the code conferences were in progress in Washington that he had been instructed by the President to inform the industry that provision in the code must be made to control the payment of so-called excessive salaries the arrangements in this connection which were laboriously worked out—virtually at the President's insistence—are suspended for a 90-day period.

Better Control of Costs

Although it has been made quite plain that if the industry is to be able to meet the increased labor costs which it generously agreed to for the purposes of cooperating in the purposes of the National Recovery Act, it would be necessary to control more effectively production costs, the Executive Order suspends also for 90 days the arrangements intended to apply in this connection.

A feature of the memorandum accompanying the signed code as delivered by the Administrator which would have provoked only merriment if it were not for the serious matters involved was the appointment to the Code Authority of Eddie Cantor. The fact that the President brought Mr. Cantor to Warm Springs for a conference on motion picture matters was surprising enough; but his appointment to the Code Authority assumed the proportions of a shock. Mr. Cantor's appointment was apparently a bid to silence propaganda addressed to the Administration from a group of professionals in the industry whose salaries already have reached figures which Mr. Rosenblatt quoted the President as saying are "a baneful influence upon the public."

Clarification Essential

It is quite obvious that it behooves those responsible for the conduct of this business and the security of its investments to find out where they and the industry stand in view of the conditions imposed under the Executive Order. There are indications that steps intended to lead to such a definition are to be taken.

Considerable interest is being expressed in just how and why the motion picture business has been singled out among American industries for the exclusive treatment provided for it under the Executive Order. There are no precedents for the action elsewhere under the NRA program except, possibly, in the case of the oil code and this was provided for under special legislation.

Strained Itself to Comply

It is demonstrable that the industry extended itself in every direction in an effort to comply with the purposes of the NRA program. With respect to labor provisions of the proposed code the president of the American Federation of Labor publicly thanked the industry for its generosity and support. In order to introduce more commonly satisfactory trade practices every branch of the industry made concessions of one character or another to every other branch. Naturally, there was not complete satisfaction with the code as drawn. Various independent exhibiting groups object to and disapprove of many provisions of the code, but even the most aggressive leaders among these are not unwilling to admit and acknowledge the difficulties and complexities surrounding a large number of the trade practices prevalent in the industry. Many impartial and experienced persons in the industry admit freely the virtual impossibility of so arranging various of the trade practices so as to foreclose the possibility of inequalities.

Executives Facing Difficulties

Despite all of this, the Administration has assumed an attitude which makes it very difficult to see how responsible executives may continue to function in the conduct of their businesses without ignoring the responsibilities with which they are charged. It appears that progress along the indicated line can only be had in event of approval by stockholders and directors of the program proposed by the Administration. Such action would seem to suggest the strong possibility of executive personnel asking to be relieved of their normal responsibilities.

Whether or not the Executive Order will be amended, of course, remains to be seen. But speculation on what would be the fortunes of the industry were the order to be carried into effect leads to both interesting and disturbing conclusions. The industry, with respect to such decisions as the Administrator would care to take time out from the administering of several hundred other codes to render, would be run by the Administrator. Following the formula which appears to have gotten results thus far at Washington propagandists of all sorts would descend upon the Administration. Letters, telegrams, and perhaps personal visits from Eddie Cantor, would surround the President, each with its own idea as to just how the picture business should be run. The industry would be a guinea pig for an amazing series of experiments.

After that—the deluge.

Delays on Code

A general meeting of the entire membership of the Federation of the M. P. Industry to consider and take action on code signing will be called in about 10 days, it was decided at a meeting of the board of directors of the independent producer and distributor organization yesterday. Date and place are to be set later.

Those attending yesterday's meeting were, P. S. Harrison, president; Jacob Schechter, counsel; W. Ray Johnston, president of Monogram; Harry Thomas, president of First Division; Charles Glett, Freuler Associates; Jack Bellman, Hollywood Exchanges, and Robert Savini, Astor.

Labor Reports It's Pleased with Code

(Continued from page 1)

tatives to code authority boards on any occasion when labor's problems are in dispute, it was stated yesterday.

No protest will be made over the appointment of Eddie Cantor and Marie Dressler to the code authority as representatives of an "employe" class, despite the fact that no labor representatives have been named as yet for its own employe classification.

The I. A. T. S. E., according to Abner Rubien, counsel, views the recent action of Administrator Hugh S. Johnson in appointing John L. Lewis, president of the United Mine Workers of America, to be one of three government representatives at large on the code authority of the bituminous coal industry, as sufficient assurance that labor will be granted adequate representation either on the code authority of this industry or on boards appointed by the code authority to hear labor matters.

The former procedure is viewed as possible under the executive order and as likely in view of Administrator Johnson's manifest new policy on labor representation on code authorities. The latter procedure, it was pointed out, is guaranteed in the industry code itself.

Schenck Silent on Provisions in Code

Joseph M. Schenck, president of United Artists and 20th Century Pictures, who advocated elimination of the salary penalty and talent "raiding" provisions of the code prior to its signing, declined yesterday to state his views of the executive order suspending those provisions.

Schenck also declined to state whether he would withdraw his resignation from the Hollywood Producers' Ass'n, from which he resigned several weeks ago over differences of opinion on the two provisions of the code.

"I have nothing to say on anything pertaining to the code," Schenck declared.

He plans to leave for Europe in about 10 days.

Close Madison Capitol

MADISON, Wis., Dec. 5.—Warners has closed the Capitol because business has not warranted keeping the house open during the holidays.

Ideas Vary on Repeal's Effect

Little Help From Repeal, Coast's View

(*Continued from page* 1)

which money would otherwise go at least in part to theatres."

Darryl Zanuck, of 20th Century Pictures, thinks this:

"There is nothing that will affect the box-office except the quality of the pictures that go on the screen. The American public wants entertainment.

"The results that followed the election that put repeal over the top show that the nation has already adjusted itself to a sane and temperate reaction to the situation.

"Putting more people to work is bound to give the theatre a wider field of patronage."

And from Jesse L. Lasky, producing independently for Fox, this:

"There seems to me to be no logical reason for assuming that legalized liquor will in any way affect box-office returns. Drinking and theatres are separate. They always have been and there are no grounds for believing that the industry of drinking, already tremendously active, will spurt to new highs just because the government sanctions it. I have no fears for the box-office.

"The initial imbibing will wear itself out in a few days. The same abruptness was experienced during the first few days of legalized beer.

"I sincerely believe that repeal will put more people to work, circulate more money and that much of this circulation will stop at the box-office. Past experience proves that a theatre is never the last, but the first—along with the grocery—to get its share of additional pay checks and salary increases."

Hal Wallis of Warner-First National, remarked:

"We are not interested in legalized liquor. We are only interested in making pictures and feel that if they are good pictures they will make money at the box-office in spite of any influence."

Henry Ginsberg, vice-president and general manager of the Roach studio, said:

"We can see no adverse effect upon box-office receipts with the coming of legalized liquor. If anything, it permits the imbibing public to come out in the open and this freedom will undoubtedly prove a stimulant to theatre business."

Thomas Takes "Wine"

Distribution rights to the I. E. Chadwick production, "Wine, Women and Song," for Western Pennsylvania, West Virginia, Ohio and Kentucky, have been acquired by Harry Thomas of First Division.

Houston Viewpoint Is Same As Hollywood; Up to Film

Houston, Dec. 5.—Who's afraid of the big, bad bottle? Nobody at all, according to local theatre men, who, without exception, hold the exit of prohibition will in no wise affect box-office receipts in this territory.

"Why should it?" asked a representative exhibitor. "Beer hasn't hurt us, and, after all, beer is the average patron's drink. Hard liquor has always been available for the people who want it here; good hard liquor can't hurt us nor our patrons like the bootleg swill did."

That the first month of liquor sales might help increase the usual Christmas depression at the box-office is conceded by local exhibitors, but they insist they are not worrying about that. "Give us the pictures, and we'll get the crowds," seemed to be the consensus of opinion. One man of long experience declared that women and young folks are not interested in "liquor as entertainment" and that these are his chief customers.

Re-employment following repeal might help the industry, one exhibitor agreed, but he added this would not reflect in the box-offices until well into next year. "And by that time maybe the NRA will have us all on smooth seas," he added.

Providence Gives 3 Cheers For Repeal; Says It'll Aid

PROVIDENCE, Dec. 5.—Showmen en masse are giving three cheers and a tiger for repeal.

"Of course it will increase business," they chorus in response to a question as to what effect this here renunciation of John Barleycorn will have on the trade of catering to the public. "Better spirit, better times, more dough and a mounting desire to get some fun out of life," is the manner in which they anticipate the public's reaction.

Providence exhibitors draw their patronage from the entire length and breadth of the state. Every hamlet pours its quota of customers into the five big city houses—when times are good and when these mill boys and girls, mostly, have dough in their pockets. Since the advent of beer there has been a gradual increase in the roar of machinery in the heavily populated Blackstone Valley towns. Most people have been taken off the relief rolls and jobs have provided them with a few cents to spend here and there on entertainment. They go to pictures at least once a week. Witness the smash triumphs here of "Power and the Glory," "I'm No Angel," "Bombshell" and "Tugboat Annie." "They'll spend if they have the shekels," showmen say.

Bernard Fay and Jack Touhy, of Fay's Majestic, agree heartily business will see a pick-up. It may be gradual at first, they admit, but it will come.

Billy McDermott of Loew's State:

"Show me the town that is wide open and I'll show you a town where there is prosperity in all lines of effort. Remember the good old days? Why, Providence, instead of being a stopping off place, theatrically speaking, was the liveliest little burg in the country. It was called 'Little New York.' The theatres, among the last to feel the depression, may be among the last to feel the effects of the upturn—but it will surely come. Yes, sir, prohibition's death will bring new life!"

Eddie Read, manager of the Paramount, envisions a happier crowd of persons filled with a renewed zest in life.

"They will want a little fun," he says, "after the dark days of depression. And the movies will provide them with entertainment within reach of even the slimmest pocketbook."

They're all for repeal, and already are making plans to lay in added supplies of very black ink.

More "Women" Records

OMAHA, Dec. 5.—"Little Women" is making box-office history in these parts, according to figures being received daily by A. M. Avery, RKO branch manager. At Sioux City, the Hepburn picture did $1,000 more business its opening day at the Orpheum than any previous attraction.

At the Brandeis in Omaha, on Thanksgiving Day "Little Women" grossed slightly more than $400 above any single day on the house record when playing a picture program. It is set for two weeks.

Arthur Off Tomorrow

Harry C. Arthur leaves tomorrow for the coast and will make stopovers at St. Louis, Kansas City, Denver, Salt Lake City, San Francisco, and Los Angeles. While on the coast he will confer with his brother Milton, and Mike Marco, head of F. & M. Stageshows, Inc., in which Arthur is interested. He expects to be back Dec. 24, in time for Christmas.

Pittsburgh Sure Repeal Spells Boon

PITTSBURGH, Dec. 5. — Leading showmen here readily admit repeal, which went into effect tonight, should be of considerable help to theatre business in more ways than one. They point out the return of beer was a prime factor in improving grosses generally, what with the extra employment it provided throughout this district, an extensive brewing area, and believe that hard liquor will do even more.

This town has always been a leader in the distillery business, the Large, Schenley and Overholt distilleries all being within a radius of 15 miles of Pittsburgh. As a result, bottle and barrel factories are expected to become active again, relieving a lot of unemployment and putting more money in circulation.

Harry Kalmine, theatre zone manager for Warners, doesn't believe repeal will result in an early splurge that may keep money out of the theatres.

"I think drinkers will be more temperate than ever," he said, "now that they know they can get liquor any time. Mark my word, most drinking will be done at home and I don't think theatres will feel any hardships over this at all. I do think, though, that there will be more employment and a generally happier frame of mind and all this is bound to help business."

Mike Cullen, city manager for Loew's here, was of the same opinion. So were several members of the Harris organization, who refused to be quoted.

Another factor that's to be considered, although in a different light, is the improvement repeal may mean in the various real estate holdings of the circuits. Both Warners and Loew's own several choice corner locations, many of which are now idle, and a mad scramble for good store and restaurant locations is expected once the legal flow really gets under way.

Showmen here also feel that liquor itself will prove a potent factor in stimulating business. They feel the head of a family, when he gets home at night for dinner and is able to take a shot or two of his own stock, will feel more like going out and will more readily suggest to his family that they take in a show.

Pittsburgh exhibitors are quite optimistic about repeal and think it's going to be of considerable help from every angle.

A. J. Cohen Quits "U"

HOLLYWOOD, Dec. 5.—Albert J. Cohen has resigned as scenario chief of Universal to enter production work. Leonard Spiegelgass, former story editor for Fox, succeeds him.

IT'S A GIFT! only

you a XMAS SPECIA

A NEW
SILLY
SYMPHONY

Set your Bookings NOW at your

Walt Disney could give SO MAGNIFICENT!

And re-lease these two DISNEY XMAS CLASSICS!
Millions want to see them again!

"SANTA'S WORKSHOP"
A SILLY SYMPHONY IN TECHNICOLOR

and

MICKEY MOUSE in "MICKEY'S GOOD DEED"

Don't have a one-contract mind!
Book all three of them

nearest UNITED ARTISTS EXCHANGE

Ohio's Key Cities Show Forward Spurt

(Continued from page 1)

and large crowds thronging the stores.

Dayton retail executives say business was decidedly better both in volume and number of customers.

Cincinnati's leading merchants experienced a 15 per cent jump in business.

Toledo retailers had the best shopping days of the year. Pickup was reflected in a $10,000,000 increase in volume in November as compared with November of last year. Bank debits were $3,000,000 greater last week than in the same week of 1932.

Cleveland Retail Merchants' Board said Friday's crowds were one of the largest in the city's history, which emphasized general shopping tendencies.

Columbus and Youngstown report business about on a par with this time last year, although there is every indication of an early pickup which is expected to steadily gain momentum.

Kusell, Lewis, Regan, Morgan Head Drive

George J. Schaefer has appointed Milt Kusell, Mike Lewis, Oscar Morgan and Charles Regan as captains in the Paramount Victory Drive, which begins Jan. 1 and ends March 31. Kusell is in charge of the east; Lewis, the west; Morgan, the south; Regan, central states.

J. J. Unger and Kusell left last night for Albany and Buffalo for conferences with exchange managers and sales personnel in connection with the drive. Stanley Waite leaves for Boston Friday and on Saturday will meet Kusell there for a two-day confab with exchange managers of Boston, New Haven and Portland, Me. Unger returns from Buffalo on Saturday.

Neil Agnew is now making a tour of the western branches and Schaefer himself plans to visit exchanges in the near future.

Tango Parlors Grow, Despite Stiff Fight

Los Angeles, Dec. 5.—Despite effort by theatre owners and other places of amusement to curb the licensing of tango parlors, the city, in the first quarter since licensing of parlors started, has collected $41,625, according to Robert Dominguez, city clerk.

Taxes have been paid on 1,110 tango chairs at $37.50 each, per quarter. Several Venice parlors paid tax only on one chair, since they will not open until next spring. Eventually the revenue is expected to reach $200,000 a year.

Predicts Big Profits On English Venture

Assurances of a $500,000 profit per picture from British bookings alone, together with cooperative working arrangements on a percentage basis are proving attractive in England to such former Hollywood talent as Maurice Chevalier, Douglas Fairbanks, Charles Laughton, Alexander Korda and others, Douglas Fairbanks, Jr., reported yesterday. Ernst Lubitsch, he said, is expected to join this London Films combination in the near future. He neglected to state whether the profits cited were computed on the old or the current exchange rates.

Fairbanks is here on his way to Hollywood to make "Success Story" for Radio, and on its completion he will return to London to make "Zorro Rides Again," in which he will be co-starred with Fairbanks, Sr.

English production cannot be compared fairly with Hollywood output, the younger Fairbanks believes, because of the larger scale of operation and larger budgets at Hollywood's disposal. In pictures calling for an English historical background, however, the British producer has a decided advantage because of the authenticity of available locations, he said.

Warners Darken One Pittsburgh 1st Run

Pittsburgh, Dec. 5.—The Davis, one of the three Warner first-runs downtown, will close this week for a fortnight, reopening on Christmas Day. The usual pre-holiday depression had something to do with the decision, but it's believed that a shortage of product likewise influenced the action.

After being on a full-time policy for more than two months, the Etna, a Warner neighborhood house, has gone back to its old policy of nights only and matinees as well on Saturday. There wasn't enough business in the Etna sector to warrant full-time operation, Warner officials declared.

Charles Rogers Here In Hunt for Stories

Charles Rogers' two weeks' stay in New York will be confined to a search for story material for Jack Haley and Dorothy Wilson. The Paramount producer is taking in all the plays and intends to devote considerable of his time looking for new personalities.

Having completed six of the 10 on the current program, Rogers states scripts are now being prepared on "Green Gold" and "It's a Pleasure to Lose." Next year's schedule will be increased to 12.

SIN Can It Ever Be Right?

Can It Ever Be Forgiven?

Without Lights

Asked what would follow "Design for Living" into the Criterion, a Paramount sales executive yesterday stated the next attraction would be "The Locked Door."

Local 306 Nominates Its New Slate Today

(Continued from page 1)

office, members will offer a "New Deal" and a Fusion ticket. A number of the men are understood to be dissatisfied with the current administration, including the president, and are anxious to make a shift in the personnel whose term expires Dec. 31.

Last week about 500 members met with Sam Kaplan, recently deposed president, and are understood to have asked him to again head the operators' local when Sherman's term expires on Dec. 31, 1934.

Nominations this morning will include nine members of the executive board, three on the board of trustees, treasurer, financial secretary, two business agents and vice-president.

Local 306's $1,000,000 suit against the I. T. O. A., Allied Operators Union and local independent exhibitors comes up for hearing Friday in the Supreme Court.

Dinner to Celebrate Roach's 20 Yr. Mark

Hollywood, Dec. 5.—Old Home Week will be held at the Hal Roach studios Thursday when the short subject producer celebrates his 20th anniversary as a comedy producer. A dinner-dance will be held with all the old-time comedians who appeared under the Roach aegis present.

Among those will be Will Rogers, Harold Lloyd, Bebe Daniels, Lionel Barrymore, Lupe Velez, Fay Wray, Theda Bara and Janet Gaynor. All stars now working for Roach also will be on hand. Players from other studios will attend.

Lloyd is chairman of arrangements and is cooperating with Henry Ginsberg on the program.

Colman, March Set With New Pictures

Hollywood, Dec. 5.—Ronald Colman and Fredric March are set with 20th Century for a picture apiece, according to the company's new schedule.

March will be starred in an adaptation of Victor Hugo's "Les Miserables," and Colman in "Bulldog Drummond Strikes Back." Other pictures being readied include a second for George Arliss, "Sentenced," which will follow his "The House of Rothschild," and a second with Wallace Beery, titled "The Great Barnum."

"Scandals"-Lux Tie-Up

A national advertising tie-up with Lux Toilet Soap which will exploit "Roman Scandals," the new Eddie Cantor picture, in 39 principal cities has been arranged by Lynn Farnol, Samuel Goldwyn representative here. The tie-up involves 500 and 1,000-line newspaper ads to run concurrently with first-run bookings.

New Tax Sources Tapped in Capital

Washington, Dec. 5.—Elimination of the divided rates of the normal tax on income and substitution of a flat rate of four per cent, to be accompanied by marked increases in surtax rates, heavy taxes on personal holding companies, prohibition against a partner deducting partnership losses from his individual return and increased rates on consolidated returns are among the recommendations for tax changes made today in a report by a House ways and means sub-committee.

No mention is made in the report of the miscellaneous taxes, including that on admissions, which will be left for consideration of the full committee. The committee will begin public hearings Dec. 11 on liquor tax legislation, which will be followed by consideration of recommendations on taxes to be made by the Treasury about Dec. 15 and then by a study of all provisions of the present tax law.

Ace Berry Resigns; Plans Own Circuit

(Continued from page 1)

eral manager of the Circle and Indiana, the Monarch circuit's two local first runs, to form a local group which plans to acquire its own houses. He will be succeeded by I. M. Halperin, formerly with Publix in Detroit.

The Circle and the Indiana were leased from the Lieber family last summer by Milton H. Feld and David J. Chatkin, who head Monarch Theatres with Harry Katz. All of them were Publix executives under Sam Katz.

Nolan, Exhibitor, Is Now Ottawa's Mayor

Ottawa, Dec. 5.—P. J. Nolan, fiery independent exhibitor, is the new mayor of Ottawa, Canada's capital city. He was successful over three opponents, including Mayor Allen, who sought a fourth term.

Nolan was alderman three times, was twice defeated for a place on the Board of Control and twice for mayor in the last 10 years. Apparently, however, Irish persistence won, for he rolled up a plurality over all others.

Boyle Now a Sheriff

Pittsburgh, Dec. 5.—It's Sheriff Mike Boyle now for the former manager of the Warner-Majestic in Johnstown. Running on the Democratic ticket in Cambria County, in his first political joust, Boyle won the election for sheriff from the Republican incumbent by a total of 400 votes.

The new sheriff, incidentally, is a brother of Bishop Boyle of the Pittsburgh Catholic diocese.

Through Amalgamated

Scranton, Dec. 5.—Vaudeville bookings for all Comerford-Publix and Comerford affiliated theatres showing vaudeville will be booked by Amalgamated Vaudeville Agency, M. E. Comerford stated today. The New York office of Amalgamated will be in charge of David Cohen, former Comerford partner, as manager-booker with Bud Irwin booking.

MPPDA Move Fails to Stir NRA Officials

(*Continued from page* 1)

posed to the suspension of the salary clause and resented the alleged dominance of the industry by the Administration. In informed circles here it was said that while there is some dislike of the part which may be played by the code administrator, the salary clause is of little concern to the producers, who are more likely to object to the suspension of the raiding provision.

Meeting Planned for Friday

Members of the code authority have been instructed to come to Washington Friday for a meeting with General Hugh S. Johnson at which the latter is expected to "lay down the law" as to activities under the code. No official announcement has been made of the first meeting of the code authority, which was expected to be called for the end of the week in New York.

NRA executives appeared greatly surprised at the possibility that the industry, which has been denouncing the Administration for delay, now would ask for a postponement. There also was a display of consternation when it was suggested that members of the industry appointed to the code authority, who apparently had accepted, would contemplate such a drastic step as refusing to serve unless the executive order were modified.

It was held by recovery officials that the protests of the industry are premature, the code not yet having gone into effect, and it was pointed out that no hardships, therefore, could yet have been suffered. In this, the film industry differs from other trades which have protested codes, the latter having done so only after operation under their agreements had disclosed unforeseen difficulties.

Question Not Raised Before

It was suggested that protest against any burden under the code now would be inconsistent, the industry, during the long negotiations which preceded its approval, never having brought the question of hardship up.

Either the code, or the executive order of approval, can be changed, but only by another executive order. On the other hand, if feeling unduly burdened, the industry itself may propose amendments to the code or may bring their problems to Washington where, if they are found to be sufficiently important, the administrator can recommend changes to the President.

With respect to the investigations provided for under the executive order, it was pointed out by the Administration there is little likelihood that the President will recede from his position that the salary and raiding provisions should be suspended until after a thorough investigation was made. All similar matters heretofore made the subject of investigation and objected to by industries have been carried through without change at the President's demand.

Ohio MPTO Opens Annual Convention

COLUMBUS, Dec. 5.—The Ohio M. P. T. O. opened its annual convention here today at the Deshler-Wallich.

At a banquet this evening Administrator Sol A. Rosenblatt was the principal speaker. He explained the code. Other speakers were Governor White of Ohio; Carlton S. Dargusch, Ohio tax official; Jack Miller, secretary, Chicago M. P. Exhibitors' Ass'n, who discussed labor phases of the code; Robert Robins, secretary American Society for Protection of the M. P. Theatre, who talked on the patent situation as applying to sound equipment; Dr. Beverly O. Skinner, state director of education and head of the Ohio censor board, who warned producers to deliver cleaner pictures and Edward Golden, general sales manager for Monogram Pictures. Golden was here on a tour of the Monogram exchanges.

Plans were discussed to wage a fight for repeal of the existing ten per cent admission tax.

Ad Men Cooperating With Hays Group

Cooperation from all publicity and advertising heads in connection with the new morality clause in the signed code is being received by the Hays office, J. J. McCarthy stated yesterday. The special advertising committee consists of Howard Dietz, chairman; S. Charles Einfeld and John C. Flinn, president of the A. M. P. A. During absence of Einfeld and Flinn, Stanley Shuford has been substituting for the former and Robert F. Sisk for the latter.

Future meetings of the committee are indefinite.

Code Discussion Put Off by Allied of N. J.

Members of Allied of New Jersey, meeting yesterday, decided to put off any discussion of the industry code until the next session, the adjourned annual convention, to be held in Trenton on Dec. 19. Abram F. Myers will be principal speaker at the meeting. Routine business was gone over at yesterday's weekly gathering.

A. M. P. A. All Set

Guests at the A. M. P. A. weekly luncheon tomorrow at Sardi's will include, Robert Hope of "Roberta" cast, master of ceremonies; Meyer Davis, Bert Lahr, Monte Collins, Miriam Batista; Jean Sargent, Janet Reade, Munro Shaff, Otto Soglow, Frank Snell and George Stallings.

Spyros Skouras on Coast

LOS ANGELES, Dec. 5.—Spyros Skouras arrived here from New York yesterday accompanied by Ralph Harris of the Hughes, Schurman & Dwight law offices. Both will remain about 10 days conferring with Charles Skouras on reorganization plans for Fox West Coast.

Wm. Rapley Dead

RICHMOND, Dec. 5.—William Harryman Rapley, 76, one of the deans of American theatre owners, is dead in Washington, D. C. As owner of the National in Washington, he had been host to every President since Grant.

Son Also Rises

Hollywood, Dec. 5.—A featured player in Paramount's "Miss Fane's Baby Is Stolen" donned pants for the first time in his life after completing the picture.

The player is Baby LeRoy who graduated from three-cornered underwear to his first pair of shorts this week.

Point for Petrillo In Fight on Union

(*Continued from page* 1)

as voting for the presidency got under way.

In applying for the injunction Rizzo and Belcaster asked for an accounting of funds and receivership on the ground that Petrillo allegedly used $100,000 of union funds as ransom for his release from kidnappers in June of this year. Petrillo asserted the action was a move to embarrass him and kill his chances for re-election. To substantiate his statement he offered copies of newspaper advertisements containing an audit by what was said to be an impartial firm, accounting for all funds.

Petrillo's court victory is viewed as assuring his re-election.

Submit to O. K. on Stills

HOLLYWOOD, Dec. 5.—Warners and Radio have agreed to submit stills for censoring to the Hays office here, falling into line with the other studios. The two had held out believing better cooperation could be secured at the home office in New York.

More Coin for Powell

HOLLYWOOD, Dec. 5.—Warners have given Dick Powell a new contract calling for more pay.

Plans on P. P. Units Meet a Slight Delay

(*Continued from page* 1)

new federal bankruptcy regulations on reorganization procedure are also recognized as contributing to slower development of the plan during the immediate future.

Indications are that no complete plan of reorganization for Paramount will be ready for submission to Referee Henry K. Davis for court approval prior to late February.

Publix Enterprises' reorganization plan, originally scheduled to be presented to Referee Henry K. Davis for approval early this week, also has been deferred and probably will not be submitted for the court's approval for another 10 days or two weeks.

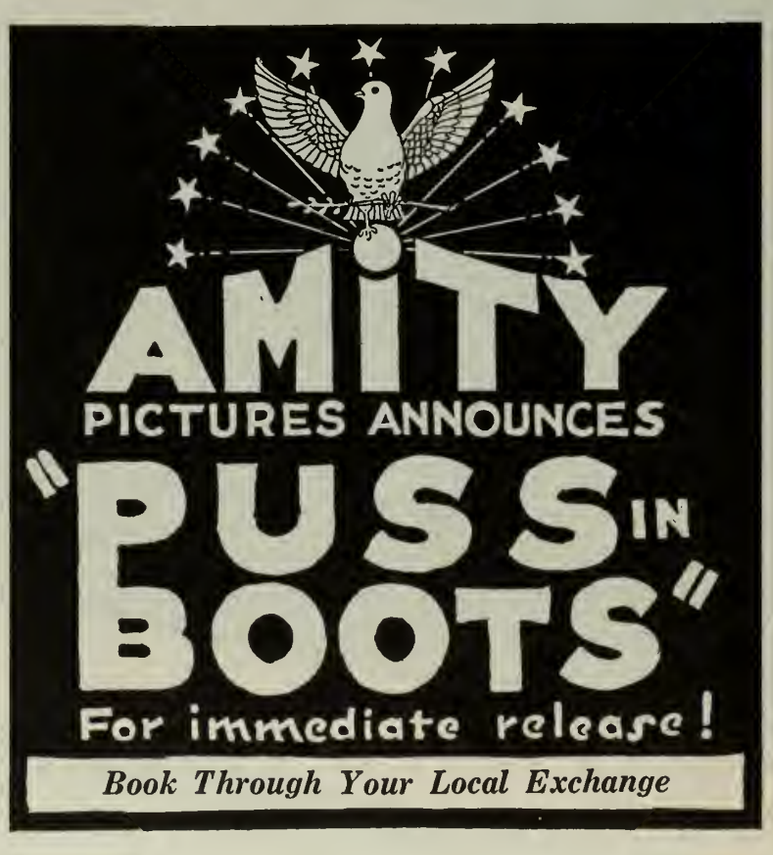
The reorganization plan has been prepared by trustees of Paramount Publix, parent organization and the largest creditor of the bankrupt theatre subsidiary. It involves purchase of the assets of Publix Enterprises by Famous Theatres Corp., a newly created, wholly owned subsidiary of Paramount Publix, which will issue stock to the parent company in exchange for claims against Publix Enterprises.

Rent Claim Postponed

A hearing on a future rent claim filed against Publix Enterprises by Sunrise Realty Corp., scheduled for yesterday before Referee Henry K. Davis was postponed to Dec. 12.

Aline MacMahon Star

HOLLYWOOD, Dec. 5.—Aline MacMahon jumps into the star class at Warners with her assignment to the lead in "Fur Coats."



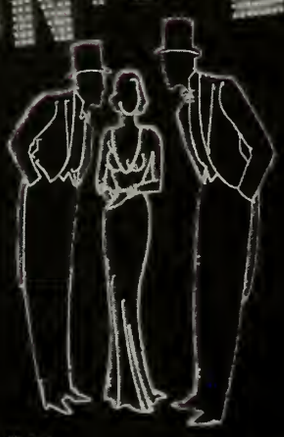
FOLLOWING THE PATH

BLAZED BY OTHER

PARAMOUNT HITS!

NOEL COWARD'S

"DESIGN FOR LIVING"



FREDRIC MARCH · GARY COOPER · MIRIAM HOPKINS · EDWARD EVERETT HORTON

An ERNST LUBITSCH PRODUCTION

A PARAMOUNT PICTURE

FREDRIC MARCH-GARY COOPER-MIRIAM HOPKINS
IN PARAMOUNT'S HIT "DESIGN FOR LIVING"
DIRECTED BY ERNST LUBITSCH - TWICE DAILY

CRITERION
THEATRE
"DESIGN FOR LIVING"

Paramount Pictures

THE STORY OF AN EXHIBITOR WHO WROTE HIS OWN ADVERTISEMENT!

"I had 'Prizefighter and the Lady' booked to follow its engagement in a neighboring city . . .

"I drove over there and previewed the picture . . .

"And found it one of the swellest entertainments of the season . . .

"So I gave it plenty of thought . . .

"And I hit on this way of advertising it . . .

"I got excellent results and I suggest that other exhibitors try it!"

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 133 NEW YORK, THURSDAY, DECEMBER 7, 1933 TEN CENTS

Code Law at 12:01 A.M.; Leaders to See President

Regards NRA As Stimulant For New Year

Re-Employment Seen as Aid for Theatres

By W. RAY JOHNSTON
President, Monogram

I don't believe the NRA and code will have a great deal of effect on the production and distribution of pictures except to add somewhat to the cost due to the labor provision. On a big company's product, this will amount to nothing compared to the negative cost, but on the smaller company's product it will be something for them to think about to cover the difference.

W. Ray Johnston

The big thing to me is the boost in theatre "takings" due to the eventual good that the NRA does in other industries in putting people back to work, giving them some income so that they in turn will be in a position to patronize the theatres again. This is the big thing of NRA from the film angle and will result in a greater market and increased returns for 1934.

Universal Making Its Own Newsreel

Universal is making its own newsreel following its recent break with the *Chicago Daily News* over dissatisfaction with the financial arrangement, it was learned yesterday. The company has taken over the camera crew from the Chicago paper and will concentrate the manufacture of the newsreel in New York.

Charles Ford, who had charge of collecting news and directing the camera force while the reel was being turned out in Chicago by the *News*, has been hired by Universal to serve in a similar capacity in New York.

Principal Opens 4 Branches Overseas

Four new branches have been opened abroad by Principal, Sol Lesser, president, states on his return from a six weeks' tour. They include Lon-

(Continued on page 2)

Tampa Ruling Against NIRA No Precedent

WASHINGTON, Dec. 6.—The decision of Federal District Judge Alexander Akerman at Tampa, Fla., holding the Recovery Act to be unconstitutional insofar as it attempts to control local industry, is not viewed by recovery officials here as having any standing with respect to codes generally, it being the belief that the injunction vainly sought in the Tampa court was denied because it was not asked by the federal district attorney.

It was pointed out by Donald Rich-

(Continued on page 4)

Vital Shifts In Code Mean Setback—Kent

ALBUQUERQUE, Dec. 6.—Changes in the industry code wrought by the executive order are so vital that it will be necessary for major companies to delay final action on it until boards of directors and stockholders of individual companies have had the final code submitted to them for their approval or rejection, Sidney R. Kent, president of Fox, stated in an interview here tonight while en route to Hollywood.

Kent revealed that boards of direc-

(Continued on page 4)

San Diego Viewing Repeal Variously

SAN DIEGO, Dec. 6.—Conflicting opinions feature discussion here among exhibitors over the effect of legalized liquor on show business. S. S. Blachy, manager of the Pacific Na-

(Continued on page 2)

Chase's Paramount Claims Protested

Objections to claims filed against Paramount Publix by Chase National as trustee for two Paramount Publix indentures aggregating $25,177,000, were submitted yesterday to Referee

(Continued on page 2)

Say Pressure of Circuits Killed Twins in Chicago

By RED KANN

CHICAGO, Dec. 6.—Exchangemen aren't "certain." It's only an "impression" in the minds of many exhibitors.

Yet the understanding and the inside yarn circulating among those who might be expected to know are that double features were voted out of the rules of play in Chicago at the insistence of major circuits that distributors refund to them 50 per cent of the Loop rental of any picture which subsequently is doubled in any of the Windy City's currently operating 339 theatres.

If such an arrangement exists, probably it doesn't even appear in master agreements between circuits and distributors. Probably it has taken shape as an amendment in the form of a subsequently written letter, attached to film service contracts when such contracts repose in office files but not necessarily if those con-

(Continued on page 8)

The Fourth

This is the concluding half of an analysis of the Chicago situation and fourth in the series of condition stories written from the field by Red Kann.

Next will be Indianapolis, like other key cities, a haven of too many theatre seats.

Last-Minute Attempt of Producers to Win Delay Meets With Failure

WASHINGTON, Thursday, Dec. 7 (By Technical News Service)—The film industry joined the ranks of the recovery army at 12:01 this morning when the film code, signed by President Roosevelt at Warm Springs, Ga., Nov. 27, went into effect.

A last-minute effort of producers to secure a stay of execution yesterday met with failure when President Roosevelt indicated his disinclination to postpone the effective date of the code.

Signed by some 25 or 30 producers, a telegraphic request for a hearing was received at the White House yesterday. White House attaches, however, said that the message gave no indication of the points to which objection was taken.

Complying with the request, the White House telegraphed the Hays organization that Will Hays and a small committee of three or four could come to Washington tomorrow and would be heard by the President and General Hugh S. Johnson. This appears to be something of a shift from the meeting which, it was said Tuesday, would be held at General Johnson's office and is in line with the President's desire to give sympathetic hearing to industrial leaders who have problems of sufficient importance to warrant his consideration.

In view of the hearing tomorrow, plans for the initial meeting of the code authority are being held in abeyance and their announcement was held

(Continued on page 4)

Industry Agencies To Solve Disputes

WASHINGTON, Dec. 6.—Passing under the control of the film code, members of the industry late tonight were assured by Recovery Administration officials that their problems would be solved entirely "within the family" and that complaints of noncompliance and labor and trade practice controversies would be handled by the industry and the deputy administrator in charge of the code and not by outsiders.

For the time being, at least, all complaints to compliance boards will

(Continued on page 4)

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Dec. 27 Is Date Set For 306 Elections

Annual election of Local 306 officers, with exception of President Harry Sherman, will be held Dec. 27. With several candidates nominated for each office yesterday, the voting bids fair to be a spirited contest. Sherman yesterday told members to express themselves freely at the election, and that "everything would be above board."

Elections will cover three men on the sick committee, recording secretary, sergeant-at-arms, nine members of the executive board, three on the board of trustees, treasurer, financial secretary, two business agents and a vice-president.

Texas Allied Sends Cole Back as "Prexy"

DALLAS, Dec. 6.—H. A. Cole was re-elected president of Allied Theatre Owners of Texas at the conclusion of the organization's annual convention at which much discussion centered around the code and electricity rates.

Rubin Frels of Victoria and Mrs. Martha Spadden of Electra were elected vice-presidents and A. W. Lilly of Greenville, secretary-treasurer.

Chicago Musicians Re-elect Petrillo

CHICAGO, Dec. 6.—James Petrillo won an easy victory for re-election to the presidency of the Chicago Federation of Musicians yesterday. Running against him were Angelo Cavallo and Nuncio de Pasquale.

Chase's Paramount Claims Protested

(*Continued from page* 1)

Henry K. Davis by attorneys for the Paramount trustees.

Chase representatives consented to a reduction of the claim to an extent to be determined by the amount of individual claims of bondholders which are allowed to stand. Currently, these aggregate $23,030,000 of proved claims. There are unproved claims outstanding amounting to $705,000, and individual claims outstanding of $1,682,000.

In the event all of the unproved claims are not allowed, the Chase claim will be reduced to $1,682,000. Allowance of the maximum number of unproved claims would increase the Chase Bank's claim to $2,147,000, maximum, according to counsel for the Paramount trustees.

The trustees' motion seeking an order to permit this revision of the claim already consented to by the bank, was taken under advisement by Referee Davis.

H. A. Ross Reports Trade Is Improving

Harry A. Ross, head of the Ross Federal Service, is back in New York from a 12,000-mile tour of the United States with word he found a growing optimism everywhere.

"The small towns especially seem to have a new slant on things," Ross says, "and exhibitors everywhere gave me the same answer when I asked them what the prospects for 1934 looked like: 'This next year ought to be a great one. Our business is going to be better than it has been in three years.' Obviously, such a keynote denotes a better morale."

His company's records, asserts Ross, "show a 50 per cent gain in business during the past six weeks alone."

South Better—Lightman

M. A. Lightman, southern states exhibitor and former president of the M. P. T. O. A., here for a few days to look over new product, reports theatre business in his territory, Tennessee and Arkansas, "the best it has been in years." He plans to return to Memphis tomorrow.

Principal Opens 4 Branches Overseas

(*Continued from page* 1)

don, with J. A. McGilley in charge; Paris, with Jack Barnstyn at the head; the Hague, with L. Barnstyn officiating; and Berlin, with L. Hubsch supervising. The Berlin branch will handle sales for all eastern Europe.

While in Paris, Lesser closed a deal with Gaumont to handle 80 adventure pictures of Principal. He also sold "Thunder Over Mexico" in 20 European countries, purchased from British & Dominion American rights to "Bartered Bride," and also closed for "Radio Parade." Lesser plans to incorporate six American air stars in the picture.

The Principal head avers business in France and England has improved and good American pictures are getting money. He also states there is a marked tendency in both countries to use more home-made product. Duals in France and England are flourishing in both large and small theatres and only in rare cases where there is an unusual picture is this policy dropped for one feature.

Principal will make four features, the first to start when Lesser arrives on the coast. He leaves Saturday.

Insolvency Action Off to January 3

Hearing of insolvency proceedings against the New York Investors, Inc., scheduled yesterday in Federal Court, Brooklyn, was postponed until Jan. 3, 1934, by consent of all litigants involved. At the same time Archibald Palmers, attorney for a minority group of creditors, served on the equity receivers of the corporation a notice of his intention to seek an order to show cause why a committee of seven should not be appointed to work out an adjustment of the affairs of the corporation.

Poli Deal Hits Snag

Unable to get together with his attorneys yesterday on a deal for the Poli theatres in New England, Louis M. Sagal will again confer with legal representatives here tomorrow. Sagal is now operating the 18 houses and had expected to transfer the circuit to Poli-New England Corp. yesterday. Several details remain to be ironed out before the switch is made.

Eastman Drops Two and a Half

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26	26	26	— ½	100
Eastman Kodak	83¾	82	82	—2½	1,600
Eastman Kodak, pfd	124	124	124	+3	1,000
Fox Film "A"	14	14	14	— ⅛	200
Loew's, Inc.	30½	29¾	30	— ⅜	900
Loew's Inc., pfd	68	68	68	.....	200
Paramount Publix	1¾	1⅝	1¾	.....	1,700
Pathe Exchange	1⅞	1¾	1¾	.....	500
Pathe Exchange "A"	11⅞	11½	11½	.....	800
RKO	2⅛	2	2	— ⅛	6,100
Warner Bros.	6	5⅝	5⅝	— ⅝	1,700

Trans Lux Up ¼ on Curb

	High	Low	Close	Net Change	Sales
Technicolor	9¼	9¼	9¼	— ¼	200
Trans Lux	1⅞	1⅞	1⅞	+ ¼	100

Paramount Broadway Bonds Up One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3½	3½	.....	2
Loew's 6s '41, ww dch rights	80½	79½	80½	—1	3
Paramount Broadway 5½s '51	30	30	30	+1	5
Paramount Publix 5½s '50	24	24	24	.....	2
Pathe 7s '37, ww	81	80½	81	+ ½	4
Warner Bros. 6s '39, wd	40	39¼	39½	+ ½	27

San Diego Viewing Repeal Variously

(*Continued from page* 1)

tional Theatres, thinks liquor spells the doom of the business, while two other managers believe it will mean increased trade. Here are the opinions:

B. V. Sturdivant, district manager, Fox West Coast Theatres:

"It's my personal opinion that legalized liquor is going to help out the show business, primarily because it will bring back to us a lot of young people who now believe it's smart to sit in beer gardens. There will be so much liquor that these beer gardens will be relegated to their proper places, and these youngsters will return to the theatres."

Ted Rockwell, manager of the Spreckels:

"I can't but believe that legalized liquor will eventually help the box-office. True, at first there may be a splurge of spending for the liquors but later the re-employment and increased purchasing power created because of liquor, will bring up our grosses. In the end, we will be better off, I believe."

S. S. Blachy, district manager of the Pacific National Theatres:

"Don't ever fool yourself that legalized liquor is going to help the show business, for I know better. I well remember the day that prohibition went in, and the very next day our intake doubled. There was a very noticeable increase in business just after it became illegal to buy liquor. Therefore, I am convinced that legalized liquor means the death knell of the business. It's not so easy to say this, but it's true."

"U" Production at Its Half-Way Mark

CHICAGO, Dec. 6.—James R. Grainger, in charge of distribution for Universal, arrived here today on his tour of exchanges with word that half of the current schedule had been completed.

Grainger's trip will wind up on the coast Dec. 18 or 19 with conferences with the Laemmles on product.

HOLLYWOOD, Dec. 6.—Pictures slated for production when Universal resumes after the first of the year include:

"I Give My Love," an original by Vicki Baum; "The Golden Fleece," an original by L. G. Blochman in which Paul Lukas will star; "Sutter's Gold," to be directed by William Wyler; "Zest," Charles G. Norris novel which Lowell Sherman will direct; "When the Time Comes," an original by William Anthony McGuire, which he will supervise; "Imitation of Life," Fannie Hurst novel to be directed by John M. Stahl; "Glamour" by Edna Ferber to be produced by Bennie Zeidman, with Gloria Stuart starring; "The Love Life of a Crooner," to be directed by Eddie Buzzell with Russ Columbo and June Knight featured; "The Countess of Monte Cristo" to be directed by Kurt Neumann; "Hillbillies," co-starring vehicle for Slim Summerville and Zasu Pitts; "The American Scotland Yard," starring vehicle for Edmund Lowe, and "Interlude" by Octavus Roy Cohen.

"Double Life" for Para.

"His Double Life," first Eddie Dowling-Arthur Hopkins production, which is being released by Paramount, has been dated into the New York Paramount starting Dec. 15.

WE'VE GOT A MILLION OF 'EM
A typical telegram:
"'Dancing Lady' opened Buckley's Palace Theatre, Albany, yesterday breaking every record."

LEO OF M-G-M STEPS OUT WITH HIS "DANCING LADY"!

It's a jolly holiday at box-offices from Coast to Coast. JOAN CRAWFORD sings love songs for CLARK GABLE. Sights to see, melodies to hear—and the lively cast includes Franchot Tone, May Robson, Winnie Lightner, Fred Astaire, Robert Benchley, Ted Healy and his Stooges. Robert Z. Leonard directed! WATCH THE EXTENDED RUNS! A PLEASURE!

Industry Code Declared Law At 12:01 A. M.

(Continued from page 1)

up until code application had been put into effect.

Observers here last night were still without definite knowledge of the producers' grounds for last-minute opposition to the code, although taking it for granted they are to be found in the executive order of Nov. 27. That order suspended the salary and raiding clauses, and the producers have consistently insisted they were not interested in the former, and the temporary suspension of the latter is not believed to be sufficiently important to warrant strong protest.

However, it is pointed out, there are three paragraphs in the executive order which give to the recovery administrator complete domination of the industry and under which, if followed to their ultimate conclusion, the code authority and its committees and boards could be relegated to the position of rubber stamps.

These paragraphs, among other things, give the administrator the right to review and, if necessary, disapprove any act taken by the code authority, its committees or boards; to summarily remove members of the code authority for failure to be fair, impartial and just and to name their successors and to increase the representation on the code authority of any employer class which is found not to be sufficiently represented.

Here, it is believed, is the focal point of the producers' opposition. The effect of these paragraphs, it is said, could well be to strip the members of the code authority of any importance and power with which they might appear to be vested by the code.

Vital Code Shifts Mean Setback: Kent

(Continued from page 1)

tors and stockholders of major companies had voted their approval of the third code draft on the assumption that it was complete and final, but that now, in view of the far-reaching changes made by the executive order, it was considered necessary to obtain approval of directors and stockholders again before signing the altered code.

Kent declined to comment on details of the M. P. P. D. A. directors' meeting in New York on Monday at which the first open opposition to the provisions of the executive order was voiced by major company heads. He said that any statement on the meeting should come from Will H. Hays, adding that it "would not be fair" for him, Kent, to divulge details as he had been obliged to leave the meeting before its close in order to board a westbound train, and consequently was unaware of the meeting's final action.

He stated, however, that the meeting had been called to consider the companies' positions individually in regard to their directors and stockholders because of the vital changes in the code made by the executive order, of which, he said, the companies had neither information nor intimation until the code was released.

He admitted that several proposals for modifications of the executive order had been discussed at the meeting, but declined to name any specific ones, again insisting that all information on the subject should come from Hays. He hinted, however, that up to the time he left the meeting there had been no specific objection to the 90-day suspension of the salary and "raiding" provisions but declared that the major companies wanted to determine the Administration's reasons for taking such action.

"We were told so many things at Washington about what the Administration planned to do for the industry that we approved the early code version," he said. "Now we want to find out what is in the Administration's mind with regard to those modifications about which we are in the dark."

He said major companies would probably call directors' and stockholders' meetings to act on the executive order before any further action was taken. He said that he, himself, would call a special session of Fox directors and stockholders immediately upon his return to New York.

Kent said that the first meeting of the code authority would probably be held during his absence, but that, as he had no information as to the time or place of the meeting, he has not named his alternate.

Blames B. O. Slump On Types of Pictures

ALBUQUERQUE, Dec. 6.—A substantial slump in grosses throughout the country since the last of October has been noted and is attributed directly to the "type of product coming out of Hollywood," Sidney R. Kent said tonight during a stop-over en route to Hollywood.

He described his current trip to the Fox studios as a "routine" one.

Kent reported that he had found film business conditions in England "fine," during his recent European trip, but that business on the continent was off. He was accompanied by Jason Joy, story adviser, and Walter J. Hutchinson, Fox British sales manager.

Rosenblatt Mum on Hays Member Plaint

COLUMBUS, Dec. 6.—Deputy Administrator Sol A. Rosenblatt refused to comment on objections to the executive order voiced by M. P. P. D. A. members in New York on Monday, other than to admit that he had full knowledge of the happening, when questioned here prior to his departure for Washington.

Rosenblatt was here to address the convention of the M. P. T. O. of Ohio, in session yesterday and today.

"The NRA is trying to deal industry a New Deal," he told the convention. "The code is a sincere, honest and constructive, not destructive, effort in that direction. It gives exhibitors more than they have had heretofore.

"While the code will not bring people into the theatres, for only showmanship, good pictures and the opportunity of securing good pictures can do that, the code will correct a marked inequality of opportunity in the industry that has existed.

"No longer will exhibitors dare to corner product to the detriment of a competitor."

Operations of the grievance boards were explained in detail by Rosenblatt, who pointed out that one of their principal functions would be to determine what extent of overbuying constitutes an unfair trade practice. When this has been determined, he said, corrections will be made promptly and in as drastic a manner as is found to be necessary.

Rosenblatt said grievance boards possibly might rotate their sessions by sitting at different exchange centers from time to time. He noted that members of the boards are removable for cause at any time and asked exhibitors to report any instances of bias and inefficiency on the part of the boards that came to their attention.

"Every administration branch," he said, "is honestly endeavoring to improve industry conditions and every effort will be made to make the code operate fairly for all. This industry has a great future and an opportunity to work good. All exhibitors are expected to give the code a fair and honest trial."

Martin G. Smith New Ohio M. P. T. O. Head

COLUMBUS, Dec. 6.—Martin G. Smith of Toledo was elected president of the M. P. T. O. of Ohio at the close of the organization's annual convention here today. A. J. Holt of Cincinnati, Edward Hiehle of Newark, Samuel Lind of Zanesville, and Henry Bieberson of Delaware, O., were elected vice-presidents; Max Stern of Columbus, treasurer, and John Schwalm of Hamilton, secretary.

The following were elected trustees: J. Real Neth, Columbus; C. F. Pfister, Troy; Ike Libson, Cincinnati; Nat Holt, Cleveland; L. F. Eick, Martins Ferry; W. A. Finney, Columbus, and William M. James, honorary trustee.

Rosenblatt Talking In "Philly" Today

PHILADELPHIA, Dec. 6.—Sol A. Rosenblatt, who already has addressed Southeastern Wisconsin and Ohio exhibitors on the code, will make his fourth address here Thursday when the M. P. T. O. of Eastern Pennsylvania meets.

Through a committee of five, exhibitors have been filing with Lew Pizor, M. P. T. O. president, questions which they would like to have answered.

Charles L. O'Reilly, president of the T. O. C. C., will attend the convention.

WASHINGTON, Dec. 6.—Returning to his desk from the exhibitors' meeting at Columbus, Deputy Administrator Sol A. Rosenblatt today dug into a number of questions awaiting his attention in an effort to catch up with his work before leaving tomorrow for the theatre owners' meeting at Philadelphia.

Industry Agencies To Solve Disputes

(Continued from page 1)

be forwarded to Washington for settlement by Administration officials. Eventually, however, under the plans of the Recovery Administration, compliance matters will be taken over by the code authority.

Trade practice provision problems will be handled strictly by the industry through the grievance boards, and the code itself cares for skilled labor.

Tampa Ruling Against NIRA No Precedent

(Continued from page 1)

berg, general counsel of the NRA, that such procedure was indicated in the Recovery Act and Judge Akerman probably was on sound legal ground in the circumstances.

"The judge's remarks on the alleged unconstitutionality of the Recovery Act, itself," Richberg added, however, "obviously do not carry any weight, since they were expressive of the jurist's personal views and did not constitute a ruling on a point of law."

While the Tampa court ruled against the code, the District of Columbia Supreme Court recently held that the giving of premiums by an oil station constituted a violation of the oil code despite a contention that service stations are not engaged in interstate commerce. It is the opinion of Administration officials that theatres are in the same category as filling stations, inasmuch as they, also, are part of an interstate movement of a commodity.

Federal Judge Akerman's ruling in the Tampa court late last week involved the denial of an injunction which sought to require the operator of a local cleaning and dyeing establishment to maintain his prices at the same level as those fixed by the code for his territory. The action was brought by local competitors.

The injunction was denied on the grounds that the action had not been brought by the federal district attorney as prescribed in the Recovery Act; that no cause of action within the jurisdiction of the court had been stated in the complaint, and that Congress and the district court had no right to interfere with local business.

Judge Akerman's observations on the unconstitutionality of the Recovery Act were made in an opinion amplifying on his reasons for denying the injunction.

This part of the opinion appears to support the views of Allied States when it inclined toward refusing to participate in early industry code drafting discussions last June on the grounds that theatres were not engaged in interstate commerce and, therefore, were not embraced by the federal Recovery Act or NRA codes.

Selzer Set on Coast

HOLLYWOOD, Dec. 6.—Ed Selzer, for some time assistant on publicity to S. Charles Einfeld in New York, will take over publicity reins at the Warner studio succeeding George Thomas, who will remain as a member of the department.

Sid Rechetnick, assistant to Ed Selzer in the Warner home-office publicity department, succeeds him.

HOLLYWOOD, Dec. 6.—S. Charles Einfeld starts for New York Sunday.

Marxes Close Para. Deal

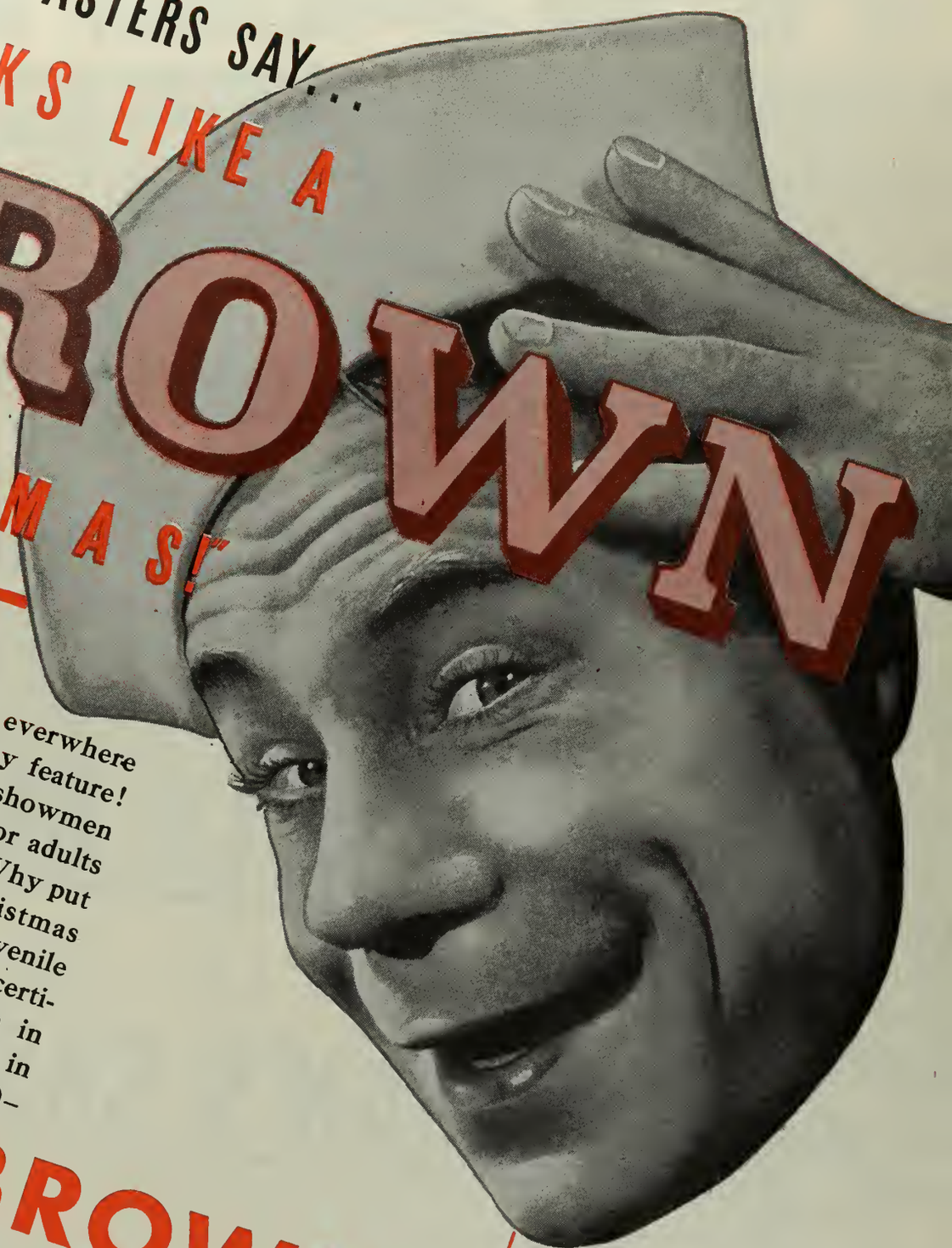
HOLLYWOOD, Dec. 6.—The Marx Brothers with Sam Harris have closed a deal for one more for Paramount.

FILM FORECASTERS SAY...

"IT LOOKS LIKE A

BROWN

CHRISTMAS!"



Bookings, bookings, everwhere for the *perfect* holiday feature! Why? Because smarter showmen want a sure-fire draw for adults *as well as* youngsters. Why put handcuffs on your Christmas trade with an *exclusive* juvenile appeal when you can get a certified all-the-family attraction in "the best picture he has made in many seasons" (*N. Y. Mirror*)—

JOE E. BROWN in "SON OF A SAILOR"

First National Picture with Jean Muir, Frank McHugh, Thelma Todd, Johnny Mack Brown, Sheila Terry . . . . Directed by Lloyd Bacon.

HELD OVER AT N.Y. STRAND!

"Crowded with inspired gags. Unusually grand specimen of rare slapstick comedy. Hilarious fun." *N.Y. Mirror*

"One of the most continuously hilarious of all the pictures which this increasingly amusing comic has made. A film hour of uproarious entertainment." *N.Y. Telegram*

IT HELPS SELL THEM IF YOU TELL THEM IT'S A

WARNER BROS. PICTURE

tagraph, Inc., Distributors

HEADLIN

BUFFALO

Lafayette Theatre

MAN'S CASTLE BREAKS THREE

MILWAU

EXTRA

Palace The

MAN'S CASTLE OPENS

Atlanta

Rialto Theatre

MAN'S CASTLE HELD OVER

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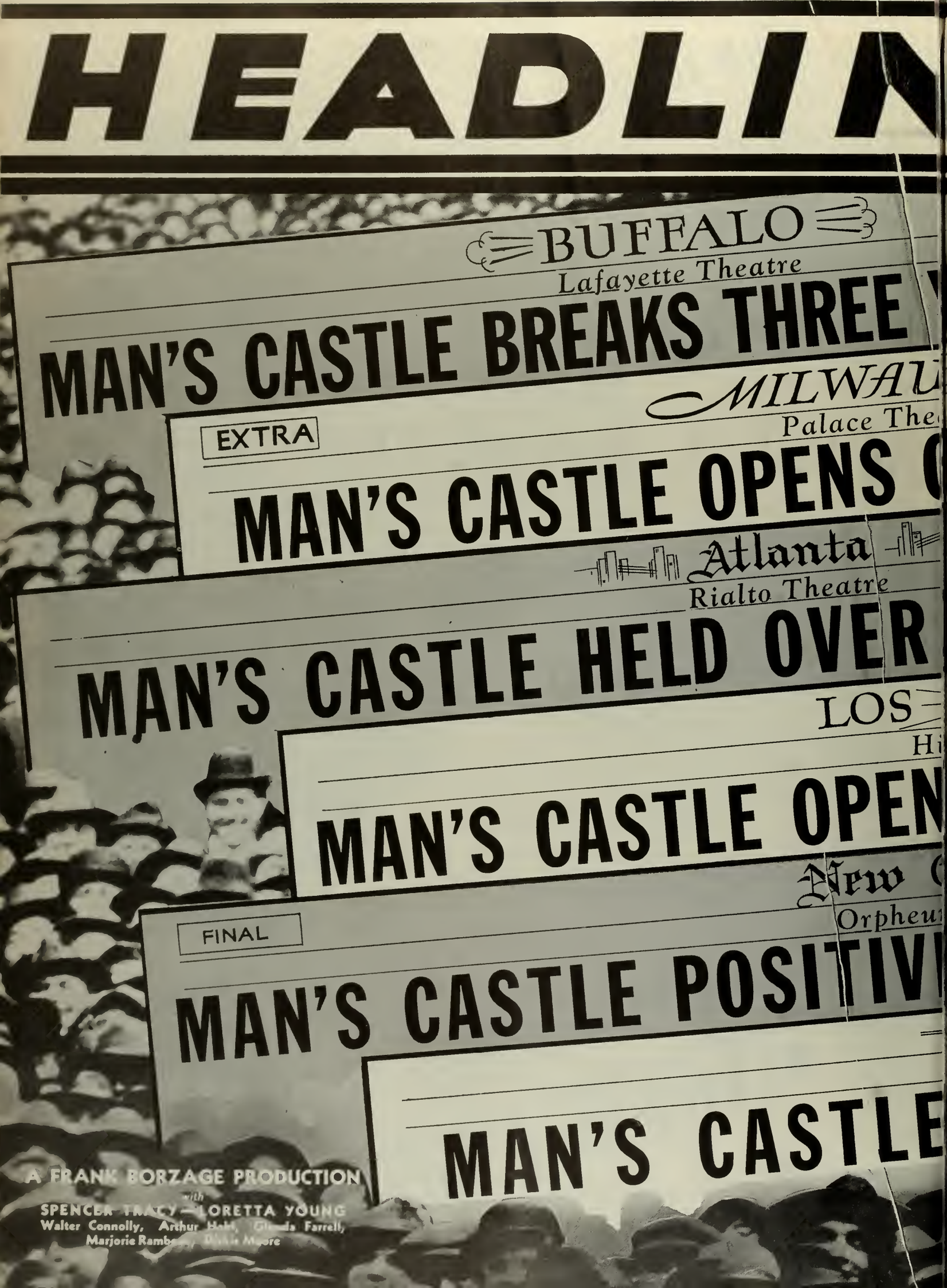
MAN'S CASTLE



E NEWS!

AR HOUSE RECORD

E

PACITY VS. YEAR'S STRONGEST OPPOSITION

FINAL

OR SECOND WEEK

ANGELES

et Theatre

TO LINE ONE BLOCK LONG

ans

atre

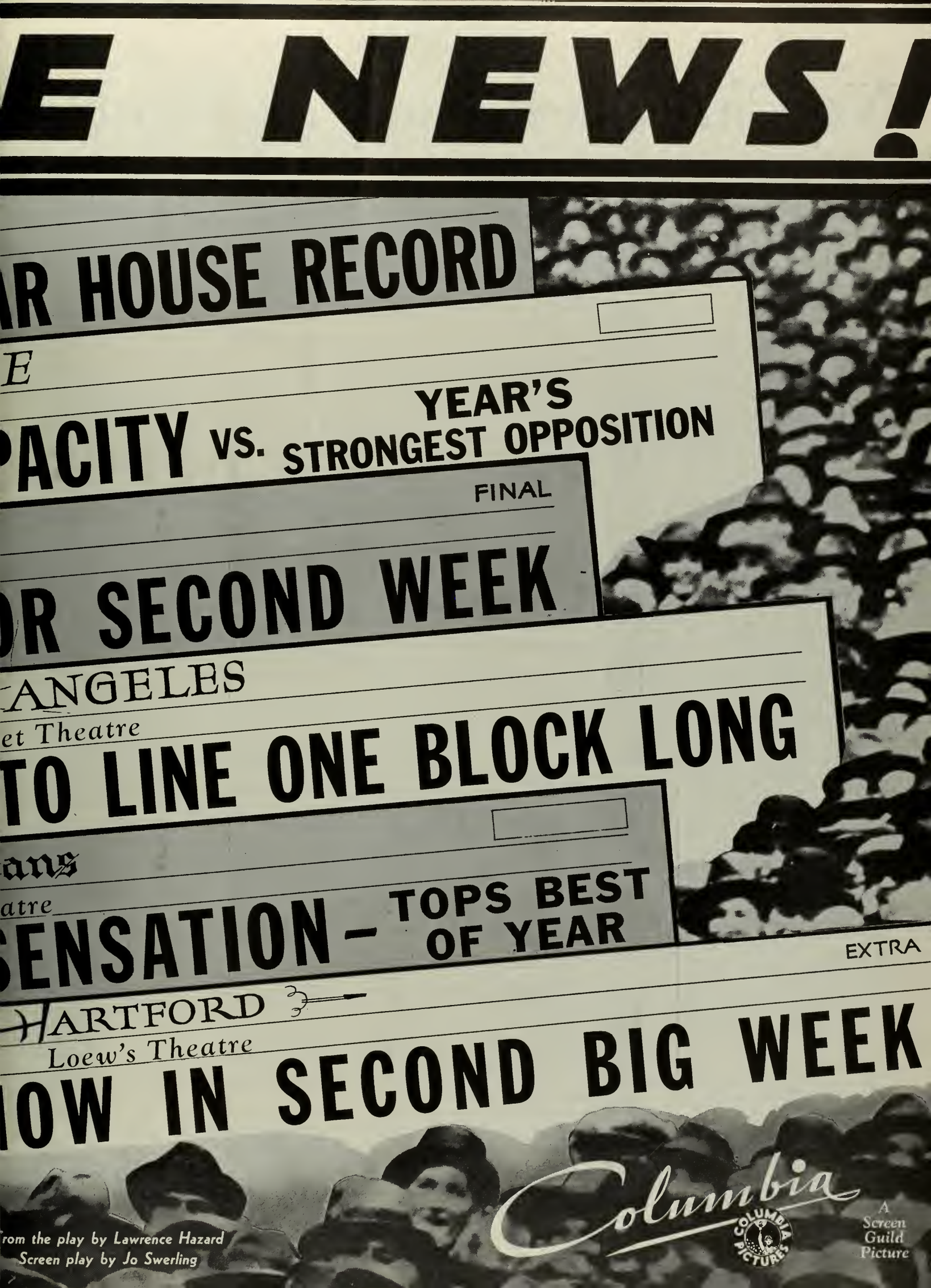
SENSATION – TOPS BEST OF YEAR

EXTRA

HARTFORD

Loew's Theatre

IOW IN SECOND BIG WEEK



No Chicago Accord on Doubles

Some Majors For Them as Aid to Gross

(*Continued from page* 1)

tracts *per se* were, or had to be, brought into public gaze

Major circuits in Chicago run up to four. B. & K., operating 36 theatres —all open, except the Paradise— with an approximate seating capacity of 77,000, is number one, by far. There is the Essaness circuit where the Silvermans, Eddie and Earle, hold forth and of which Emil Stern is the president. Like the alleged agreement on doubles, there is nothing to establish the link between B. & K. and Essaness, but every film man in Chicago who knows his alphabet takes it for granted that:

1.—B. & K. owns, controls or dominates Essaness.

2.—B. & K. has an operating agreement with Essaness, so closely tying in both circuits that the former takes it on the chin for a percentage of the latter's weekly operating loss, if and when.

Schoenstadt Chain Next

Next is the Schoenstadt string. Not linked up, even by rumor, Chicago's third principal circuit operation, so far as has been discovered, has never been accused of experiencing any difficulties with the company at which the Balabans are calling the shots. The Warners, under Jimmy Coston, have a dozen or more local houses and a handful scattered throughout Indiana. The Orpheum, generally a second run in the Loop, is the circuit's downtown representative. That's the quartette.

While B. & K. with its formidable array of de luxe neighborhood houses headed by such theatres as Granada, Uptown and Norshore on the North Side, the Tivoli and Southtown on the South Side, and the Marboro on the West Side, would command obeisance from any distributor in the city, it is its Loop dominance which makes the bows before the throne even deeper.

The Chicago, Roosevelt, United Artists, McVickers and Oriental, because they total five and because their only opposition for heavy first run grosses is made up of Aaron Jones's State-Lake and RKO's Palace, need a lot of pictures and get them. As a matter of fact, they get all except RKO.

There is also this: What plays downtown subsequently goes into those de luxe neighborhoods and later the lesser neighborhood situations. What plays downtown and in the outlying sections also finds first run downstate via Great States Theatres, with which B. & K. are anything but unfriendly. Through the unproved tie with Essaness, B. & K.'s word outside the Loop is something which distributors here would hesitate to offend.

All of this, then, means what? Merely this: That if Chicago's dominant theatre operation were to insist that duals had to go, the reasonable conclusion follows that they would. This is what is reported to have happened.

B. & K. Dominant Factor

In the first and last instance, distributors who fail to strike a deal with B. & K., directly and indirectly in its sphere of influence, would find the nation's second largest territory far down the line in point of return. There could be and there has been no inclination to go sacrificial where the 20, 25, 30 and 35 per cent attractions are concerned to keep the $25 to $100 rentals happy and untrammeled.

Whether or not the policing which naturally would follow in the wake of an attitude against them came about as the result of insistence on the part of major distributors, sans Universal and Columbia, as unmistakably expressed at the Washington code hearings, that duals had to go or whether it was circuit domination here is a matter of opinion. Viewpoints vary.

"How about the refund clause?" Barney Balaban was asked.

"It was discussed, as I remember it, but I don't know what happened finally," was his reply.

Said John Balaban: "Frankly, I don't know. I haven't read our contracts."

There are those who maintain major distributors determined to push the fight against duals in the country's second largest city through the circuits. There are those who argue the circuits themselves told the distributors what had to be and that the distributors, constantly on the job for quotas, and because Paramount owns B. & K., anyway, fell into line.

A parallel factor which can be pieced into the puzzle as the reader may elect, has to do with riders in contracts. "Is it true that every major distributor here has rubber-stamped a clause barring exhibition of another feature on the same bill with his own product?" was the question asked far and wide.

Turn to New York for Answer

Eyes inevitably turned east and on New York; the answer proved to be evasive when it failed to be non-committal. Yet, the existence of such a clause is accepted as fact by those who ought to know what's going on.

Independent exchangemen, dodging quotations like income taxes, privately express no doubts. They maintain that not only is the refund clause in effect, but the rider clause on duals as well. Regardless of the chains in the link, Chicago, with few exceptions, is on a single-feature policy to the confusion and the worriment of these independents and the off-record complaints of some of the national distributors themselves.

Doubling on independent product, however, is virtually without restriction. The independents find relatively few favors coming their way from circuits. Therefore no refunding can prevail if they determine to sell duals wherever they can. Under the uniform release schedule to which all local theatres subscribe and in those zones where availability of product is far, far beyond Loop and neighborhood de luxers in view of the admission price factor which sets up such availability, there continues to be double featuring. Independents insist it has been so drastically curtailed they cannot get by.

Calls It Question of Price

From the independent exchangemen's watch tower and from that of the theatremen who assert duals are their right, the argument for continuance of twin bills is identical with the one advanced in Washington. It runs like this:

"It's all a question of price and show. B. & K. are in the bargain business as much as we are. The Chicago theatre couples stage shows with its features, doesn't it? That's a bargain. Subsequent run houses, set far down the ladder by availability, are just as much privileged to make their shows as attractive a buy as the first runs. They can't run vaudeville, because they can't afford it. They can run double features, think that's the answer and don't see why this right—the right of each man to conduct his own business as he sees best—should be denied him."

The charge is advanced, too, that some, perhaps most, distributors frown on elimination of double bills on the ground their revenue is being seriously hit. With singles prevailing, the number of pictures which eventually hits the city's screen obviously drops. It is true the bigger pictures are getting playing time, as are numbers of the not-so-good. But big pictures come along too infrequently, too spasmodically. And what about the vast percentages of in-betweeners, which every company makes and which every exchangeman and every exhibitor knows every company makes? What about them? This is the question poised. This is the question difficult to answer.

Major attractions, goes this argument, play percentage anyway. The public's buying power is still low, even if it is slightly better than at this time last year. The ace neighborhood houses, at prices below those prevalent in the Loop, continue to keep thousands of their patrons seeking entertainment at home without troubling to go downtown.

Cut in Revenue Result

The result? In fair times—and that doesn't mean World's Fair times—Loop runs usually give the distributor less than he expected from his first run dates. A shrinkage in revenue, in other words, which is aided by failure of many pictures to hold up and B. & K.'s practice of pulling them before the week rounds out.

Another angle along the same lines: Most circuit theatres here change pictures three times weekly. It is estimated there are about 10 houses which operate under a daily change. Four changes weekly in other houses are pretty much the rule. Circuit houses, therefore, use 156 features; daily change houses, which don't mean much, 365; the average houses, 208. The majors are promising these:

Columbia	36
Fox	48
M-G-M	48
Paramount	65
RKO	52
United Artists	18
Universal	36
Warners	60
Total	363

Through its B. & K. control, Paramount is regarded as being powerfully enough entrenched to get a break. Warners, through their own

(*Continued on page* 9)

On His Toes

Chicago, Dec. 6.—The President has one staunch supporter, at least, among theatremen here, despite the editorial barrage laid down daily by the *Chicago Tribune*.

He is Moe Wells, who operates what was once the Prairie on the South Side but which now is called the NRA. Seating capacity, 750.

All in the Trading

Chicago, Dec. 6.—Here's a yarn that goes back to the days when arbitration hadn't heard of the Thacher decree. It has to do with Charles Fideles, operator of the Fashion, on the wrong end of State St., Felix Mendelssohn, M-G-M manager, and Jack Miller.

Fideles was in a row with M-G-M. It had gone on and on when Miller was called in to settle. He proposed giving the Greek exhibitor six pictures for nothing and Mendelssohn had agreed.

"I'll give you four," said Miller to Fideles, however. "Is that O. K?"

"Sure," replied Fideles.

Informing Mendelssohn he had settled for five, Miller then went back to the exhibitor and told he had wangled another one away from M-G-M. Fideles thought he had hung one on the exchange and M-G-M thought it had done the same to the exhibitor. All hands were happy.

It was fully two years before Mendelssohn learned exactly what had happened. To this day, the story will be new to practically the entire Wabash Ave. film crew.

Circuit Hold Keeping Duals To a Minimum

Say Circuits Forced Out Chicago Duals

(*Continued from page* 8)

theatre hook-up plus sustained performance in production, seem to be in good shape. M-G-M, through its star equation, reputation and ability as a producer, is in a similar spot, investigation indicates.

The other companies, of course, get some play in the Loop on contracts highly selective—B. & K.'s way—and so follow into the subsequents but not with all of their releases. Maximum requirements being 208 and the Paramount-Warner-M-G-M edge comprising 173, there remains a play of 35 features. What happens to the other 155, or the difference between the scheduled 363 and the usable 208, becomes something to muse over.

The conclusion, therefore, appears to be that national distributors, committed to a single feature policy either through their own decision or decision of the circuits, face a terrific loss because there are not enough playdates around to keep prints working. One exchange here—a national—is understood to have figured the single feature move has cut its revenue from $3,000 to $5,000 a week. It seems to have much company, although on more modest terms.

Cutting Footage to Requirement

Some months ago when duals were ruled out by decision, Chicago's film industry went through a period of conniving in which many exhibitors and exchangemen alike played parts. Some clauses on duals stipulated no other feature could play the same bill; others defined a second feature on the basis of 4,000 feet or more. The loophole resulted in making film inspectors editors and threatened to supply Hollywood with a mild deluge of new experts in the business of cutting film. One and two reels were dropped out, sometimes carelessly, sometimes carefully. It didn't seem to matter much so long as the result ended under the restricted 4,000 feet of celluloid. Exchangemen wanted revenue and many exhibitors wanted duals and there rested the situation.

This, in turn, was followed by a ruling that the length of any feature was to be fixed on the basis of studio calculation. So ingrained, however, was the practice that even this didn't bring peace. Along about March, exhibitors began to double feature on the inside of their theatres while they advertised singles on the outside. This was a direct violation of contracts; some exchanges knew it, but didn't care. Money was coming in; New York was inclined to shoot out less letters and the quota bugaboo was proving less elusive to grab.

While code formulation was at its height in the city along the Potomac, duals flared up again in this city along Lake Michigan, thereby proving, if nothing else, the difficulty anew of eradicating the practice. The Chicago Exhibitors' Ass'n and Allied, as well, forgot competitive exhibitor organization sufficiently to shoot checkers all over town to discover what they could. They discovered duals and plenty of them.

The latter-day development ties in with the phantom refund clause which, if definitely a fact, has turned out to be considerably more effective than the rubber-stamping of the contracts. For distributors have no desire to kick back to B. & K. $5,000 or more as half of any Loop rental if they can help it. And they are seeing to it that they can.

The Buying Combine Riddle

Interesting here as a mysterious sidelight on the ways of New York is the situation on exhibitor buying combines. The experience of Aaron Saperstein, now operating Midwest as a booking combine since its original function as a buying combine has ceased, is declared typical of the other groups operating here, including Jack Rose's.

Saperstein maintains he has been given a complete run-around.

"Exchange managers here have admitted that I have not been unfair," he states. "Yet they will not sell me film because they maintain New York says it is national policy not to. After one of the code meetings in Washington I came home by way of New York. There I talked to the national sales managers who passed the buck back to Chicago and their local men by declaring the decision was theirs to make.

"What is this, anyway? A few hours away, in Detroit, all of the nationals sell Mid-States, except M-G-M. Exhibitors there are fighting Mid-States and, regardless of who is right, you've got to admit there is a yell over buying combines. Here in Chicago, they tell me I am fair; they admit there is no trouble, but they won't sell me film.

"Mike Comerford in the east buys for some theatres he doesn't own. What's the matter with us?"

Distributors stick to their attitude, which is that they prefer to sell the exhibitor individually. Saperstein counters it by saying if it is national policy to cut out buying combines, that's O.K. with him. He does charge, however, that he is being discriminated against and maintains he has not given up his idea of a Federal suit. Now that the code is signed, he declares he is waiting on the grievance boards because "Sol Rosenblatt told me this is a matter for the boards to handle."

Another Riddle

Reported to have been subscribed to by several exchanges but not by all, to date, is a letter in circulation on Essaness stationery and signed by its president, Emil Stern. The communication has a two-way intent. One, is to persuade the distributor whose product Essaness has bought to agree not to sell the line-up to any Chicago theatre dipping under a 15 cent admission. Two, is to make it mandatory upon the distributor not to sell the product for double featuring.

Why such terms were not included in the contract drawn for film service between the circuit and at least one exchange, why these terms are being advanced in the form of a letter which is not part of the contract and whether or not B. & K. is not the prime mover far in the background, are questions that intrigue even if they find no answers.

In the Loop and representative of a new situation is the growth of low-priced houses. The Randolph, Astor and LaSalle, playing whatever run they can get under the uniform weekly releasing plan, charge 15 cents. The Majestic, which S. J. Gregory is operating, and the Monroe and Clark, the latter operated by the scion of the Trinz, who was a partner of Lubliner and Trinz, charge and are getting 15 cents to 6:30 and 25 cents thereafter.

These houses, as well as the State-Lake, are causing B. & K. some annoyance. Formerly one of its two houses here, RKO walked away from the State-Lake which is now being operated as direct opposition to the B. & K. Chicago at a 40-cent top by Jones, Linick and Schaefer and, more particularly, Aaron Jones. Just as the Chicago runs pictures and stage shows, so does the State-Lake.

Blue Eagle Sans Talons

No appreciable difference in conditions has come to light under the Blue Eagle, responsible film men maintain. The *Chicago Tribune*, day by day, is reminding the localities that the NRA is a lot of hooey. That may be responsible for the opinion this phase of the Roosevelt "New Deal" has meant little or nothing. At the same time, theatre operation, in many instances, has stepped up in cost.

Yet, with salary increases under the NRA, Barney Balaban asserts operation of the circuit's de luxers has dropped $35,000 per week. It's significant in that it demonstrates how closely the "nut" constantly confronted in big operations is being trimmed here and elsewhere.

Chicago, when viewed on a broad canvass, is not doing so badly. There are difficulties and much ground to be doubled back on before the red ink of several years is wiped out, if it ever is.

Much is expected from the Federal public works program, of which Illinois's allotment is $400,000,000. By Dec. 15, the program calls for the re-employment of 187,000 men, here and throughout the state at the rate of 5,000 per day at a set minimum of $15 per week. Already the 41 stations of the Civil Works Administration in Chicago have arranged for thousands of jobs, perhaps as many as 50,000. The program provides for 14 projects alone in Chicago and Cook County, which is Chicago despite geographical boundaries. It is computed that 99,260 jobs of the estimated 187,000 will go to men in the immediate Chicago territory. That should mean much for the theatres.

Relief Burden Easing

A year ago, almost to the day, the Illinois Emergency Relief Commission listed 152,000 families on its roll call. Today, that total has dropped to 122,000 and, as rapidly as the public works program gets going, the number is decreasing. In the last 12 months, official estimates of the unemployed report a drop from 800,000 to between 500,000 and 600,000.

Indicative of how the swing is curving upward, albeit slowly, is the statement of the Seventh Federal Reserve District, which shows October employment was 27 per cent ahead of last October and payrolls 31 per cent fatter. This survey was made by the Federal Reserve Bank of Chicago and, while October figures, it is true, are 2.50 per cent off on employment and two per cent off on payrolls as compared with September of this year, it is also true that employment and payrolls showed a 30 per cent increase from May to September.

In Chicago proper, the city treasury caught up with itself last week long enough to pay school teachers for salaries due in March. It was in scrip. It was something and it was more than they got last year at this time, despite the record which reveals teachers' salaries are $16,000,000 in arrears so far in 1933.

Other guardians of the Windy City's safety are doing all right, too. They were paid up to the first half of August a few days ago. If the policemen, firemen and others ever get the $10,000,000 due them, maybe Chicago won't need a return date on the World's Fair next summer.

All of which makes it sense to say that, although Chicago could be better off, it also could be, and has been, worse off. They know that here.

(*Copyright, 1933, Quigley Publications*)

Roxy vs. Roxy

RKO must take down the Roxy sign on its Sixth Ave. theatre in Radio City by Jan. 15, according to a ruling by Federal Judge Francis G. Caffey. The 7th Ave. Roxy recently obtained an injunction against RKO for using that name.

The Roxy will become the RKO Center.

Grand Central First Down in Price Tilt

St. Louis, Dec. 6.—The Grand Central, St. Louis' first de luxe house, is scheduled to go dark Dec. 9 as the first casualty of the local price war. In recent weeks it has been operated by the Central Theatres Co., a new concern of which Cullen Espy and George Tyson are local representatives, although it is understood here Spyros and Charles Skouras are the real factors behind the company, which also operates the Ambassador and Missouri under leases obtained from federal receivers.

Sale of Loew Stock Up in Court Today

A hearing on the petition of trustees of Film Securities Corp. for authorization of the sale on Dec. 12 of 660,900 shares of Loew's, Inc., stock is scheduled for today before Judge John Knox in U. S. District Court here.

The stock was deposited by Film Securities Corp. as collateral for $20,000,000 of two-year, six per cent notes, which were defaulted on April 30, last. Holders of the notes have begun foreclosure proceedings involving sale of the block of Loew's stock at public auction in order to realize on the collateral.

Loew Declares Dividend

Directors of Loew's, Inc., yesterday declared a 25 cent quarterly dividend on 36,576,580 shares of common outstanding stock. The dividend is payable Dec. 30 to stockholders as of Dec. 16.

Abramson Trial Delayed

Trial of Ivan Abramson's $1,300,000 anti-trust suit against the M. P. P. D. A. and individual major company distributors, originally scheduled to open today, is not expected now to get under way before tomorrow or Monday, according to Hays.

RKO Books Newslaughs

The Newslaughs series of shorts has been booked by RKO for its entire circuit.

UNIVERSAL

first again **with the big new idea in pictures—**

Lew AY

with

JUNE KNIGHT

in a swift-moving romance-adventure-mystery drama whose plot involves every passenger on a transcontinental bus trip . . . Speed and snap in every scene with scenes changing as rapidly as the bus flashes from city to city . . . and a smash climax that will hold your crowds spellbound

CROSS

RES

With ALICE WHITE, Alan Dinehart, Eugene Palette, Henry Armetta. Story by Stanley Rauh. Produced by Carl Laemmle, Jr. Directed by Edward Buzzell. Presented by Carl Laemmle.

UNTRY CRUISE

ERNEST TRUEX GOES 'NUDIST'; 'CAN'T TAKE IT' IN "MR. ADAM"

Getting Down to Bare Facts, Famous Comedian's Kidding of "Strip" Cult is One of the Most Hilarious Comedies of This or Any Other Season.

"I thought I'd join as a junior member"

"The cops are coming, we're saved"

Do you sell your short subject entertainment or give it away? SELL this one for added dollars with this humorous one-sheet poster in colors, and with lobby cards, photographs and newspapet ads.

Educational presents something new-de in the way of short subject entertainment in "Mr. Adam," with Ernest Truex in the role of a big clothing manufacturer who is compelled by his wife and his doctor to join the cult of the great unclothed, for his health. And modest Mr. Adam can't take it!

PHIL M. DALY TAKES IT BIG!

Read this rave from the Film Daily over the first of *Educational's* Star Comedy Specials, and then strip for action in exploiting this laugh hit for big additional business:

"... prize entry... Ernest Truex in 'Mr. Adam'... something that Al Christie as producer can stack against any of 'em ... a honey for haw-haws, beautiful gals and topical theme with a classy snap ... a banzai and a round of yodels to William Watson and Art Jarrett for the best kidding on Nudism to date ... art cinematography by Bill Steiner... a beautifully paced example of directorial skill by Al Christie... now if this sounds like a Rave... that's exactly what we aimed to convey..."

Distributed in U.S.A. by
FOX FILM CORPORATION

Educational Pictures
"THE SPICE OF THE PROGRAM"

Playing the original ROXY, N. Y. beginning Dec. 8

Coming!

"THE GOOD BAD MAN," a rollicking comedy of old Mexico's bandits, with Tom Patricola and Charles Judels. A Coronet Comedy, produced by Jack White.

"POPPIN' THE CORK," a Musical Comedy with Milton Berle, just at the right moment for its new hit songs, "Poppin' the Cork" and "Here's Lookin' At You" Produced by Jack White.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 134 NEW YORK, FRIDAY, DECEMBER 8, 1933 TEN CENTS

Leaders Discuss Code At White House Today

Better Film Only Answer, Cohen Avers

"Just Fair" Pictures Out, He Declares

By EMANUEL COHEN
Vice-President in Charge Paramount Production

HOLLYWOOD, Dec. 7.—Better pictures is the only answer to the problems of the industry for the coming year. Quality must be improved. The "just fair" picture will no longer interest the public.

Out of the ordinary stories must be made. They must have real picture value, pronounced entertainment value, and they must also have outstanding exploitation possibilities. The people must be brought into the the-

(*Continued on page 12*)

New Theatre Deals Brew at Paramount

Further straightening out of its partnership situations are under way at Paramount with E. V. Richards of Saenger Theatres and Robert Wilby and H. F. Kincey of Valatenga Theatres. The Southern exhibitors are now in New York.

It is expected the Saenger angle will be rounded out shortly and details involving Paramount theatres in Chattanooga, Knoxville and Charlotte, among other cities, worked out with Wilby and Kincey.

IATSE, Cameramen Breach Is Widened

HOLLYWOOD, Dec. 7.—The split between the cameramen's union and the I. A. T. S. E. has widened with the American Society of Cinematographers making application for membership in the American Federation of Labor.

The move, it is understood, will meet with opposition from all I. A. T. S. E. unions because, if the cameramen should withdraw from its jurisdiction, the international body would lose one of its strongest grips on the production end of the industry.

Deputy Hits Criticism Before Code Gets Trial

PHILADELPHIA, Dec. 7.—Deputy Administrator Sol A. Rosenblatt's declaration here today that "no one is entitled to criticize the code until it has been tested in actual operation," led immediately to wide speculation as to whether or not he was voicing the Administration's attitude toward M.P.P.D.A. directors' objections to the Executive Order.

Coming as it did on the eve of the meeting of the Hays organization's committee with President Roosevelt at the White House Friday, the deputy's statement was translated by many here into a forecast of the answer which awaits the group chosen to voice the M.P.P.D.A. members' objections to the Executive Order.

Rosenblatt's remark was made in the course of a two-hour occupancy of the speaker's stand at a meeting of 350 exhibitors representing 800 theatres in the Philadelphia territory, and was prefaced by a preamble citing an article which appeared in MOTION PICTURE DAILY on Wednesday, which stated in effect that "the self-control of industry had been jeopardized by order of the President."

Calling on critics of the code to withhold judgment until it had had "a chance to start," Rosenblatt said:

"Wait until we see what self-regulation can do. The test of the code will be in its actual operation. If

(*Continued on page 4*)

May Challenge Board Selection

Philadelphia, Dec. 7.—"Have exhibitors the right to challenge the selection of any member of a local grievance board?" Deputy Administrator Sol A. Rosenblatt was asked here today, as the first question of local interest concerning the code.

"You bet your boots they have," was the deputy's reply.

Exhibitors may also propose names for local grievance board membership, he said, and added that every effort would be made to establish the acceptability of every member of such boards.

Walker Organizing NRA Super Council

WASHINGTON, Dec. 7.—Frank C. Walker today was busy organizing a staff to work under him as temporary head of the National Emergency Committee, which will coordinate, consolidate and make more efficient and productive the recovery activities of the government. A central information

(*Continued on page 8*)

Loew's Stock Sale Hearing Postponed

A hearing on the proposed sale of 660,900 shares of Loew's Inc., by trustees of Film Securities Corp., scheduled for yesterday, was post-

(*Continued on page 8*)

Capital Talk Today Focus Of All Eyes

WASHINGTON, Dec. 7.—All eyes in the film industry again are turned toward Washington, awaiting the outcome of the conference tomorrow between President Roosevelt and representatives of the producers who are protesting what they consider the dictatorial powers vested in the recovery administrator by the executive order approving the code.

At the White House tonight, plans had been made for the President, with Administrator Hugh S. Johnson, to receive Will Hays, head of the M. P. P. D. A. and three of his associates at noon tomorrow. Reports from New

(*Continued on page 4*)

To See President and Voice Objections to Executive Order

The head or ranking executive in the East of every major company in the industry by late last night or early this morning will have converged on Washington preparatory to an appointment at noon today with President Roosevelt and Administrator Hugh S. Johnson to voice their objections to the Executive Order which accompanied the code and which, in their united opinion, removes from the industry the self-regulation promised it under the NRA.

Marshalling their combined strength, presumably in order to make it clear to the Administration how seriously they view the situation and how complete is the unanimity of opinion which prevails, the only absentee will be Sidney R. Kent, president of Fox, who arrived in Hollywood last night. However, the understanding is quite definite that Kent is in entire sympathy with the stand assumed by other leading executives and that consequently their stand is his and vice versa.

Decision to descend on Washington in full force was reached as the result of a meeting held at the Hays office yesterday morning. It is assumed that, while all major companies will be on hand in the event round-table consultation becomes necessary during the course of, or at the conclusion of, the joint conference

(*Continued on page 4*)

FWC Gets Right To Organize Pool

LOS ANGELES, Dec. 7.—Authority to pool certain of its own and United Artists houses in a single operating unit has been given to Fox West Coast by Referee Samuel W. McNabb under a court order.

The order also empowers Fox West Coast to effect compromise agree-

(*Continued on page 9*)

Strike Over, Levy; No, State ITOA Men

Jules Levy, general sales manager for Radio, yesterday stated differences with the I. T. O. A. had been straightened out and that the company is now

(*Continued on page 9*)

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Harris, Marx East

HOLLYWOOD, Dec. 7.—Sam Harris and Chico Marx leave for New York Saturday to line up writers and material for the picture the comedy brothers will make for Paramount under a special deal just closed. Reports Harris, stage producer, will supervise are denied by Paramount.

SIN

Can It Ever Be Right?

Can It Ever Be Forgiven?

Must It Always Be Punished?

The Pay-Off

INDIANAPOLIS, Dec. 7.—"Why did they give it that title? The women get one peek of the squared ring fronts and lobby display and keep on walking."

This is pretty much a composite of the Middle Western exhibitor talking about "The Prizefighter and the Lady," Max Baer's first talker but not his last. This is the picture which, on the basis of performance, dialogue and general handling, sent New York reviewers into something a trifle beyond normal in their excitement.

A peach of a picture and one of the neatest pieces of entertainment in recent months is being hurt by an unfortunate label. "The Prizefighter and the Lady" rates a better break and will deliver satisfaction if it gets a fairer chance.

It's tough to see a swell bit of property go to the bow-wows. That's why this survey series is being interrupted long enough to get to the majority of exhibitors yet to play it; a tip to lay off any play on the Baer chassis in gloves or shorts, any reference in their fronts or their advertising to the ring, but to emphasize the love angle, which the women want to hear about. It'll pay. KANN

Reade in New Move Against Receivers

New opposition to the RKO receivership administration will be brought before Judge William Bondy in U. S. District Court here today by Walter Reade, operator of the Mayfair and several subsequent run houses, and an RKO creditor, on a lease claim for the Mayfair.

Reade advocated in district court several weeks ago that RKO be directed to dispose of Radio Pictures Corp. as an unprofitable subsidiary, and that the Irving Trust Co. be replaced by a new receiver for RKO. The court advised Reade at that time to make his complaints to the receiver and report back to the court.

RKO's readjusted leases on the Radio City theatres are also scheduled to be passed upon by the court today.

McCoy Due Today

HOLLYWOOD, Dec. 7.—Tim McCoy left by plane for New York today and arrives there Friday for conferences with Columbia executives.

First for Yates at Biograph by Erskin

"Frankie and Johnny" with Helen Morgan and Tallulah Bankhead, will be the first picture to be produced at the Biograph plant in the Bronx which starts its career under the wing of Herbert J. Yates and Consolidated on Jan. 1. Chester Erskin will produce.

The studio will have stages on two floors and enough space to accommodate four companies shooting at the same time. The formal opening, signalled by a party, will take place Dec. 27.

Baer Heading East

Max Baer arrives in New York Sunday and opens the following Friday for a week's personal appearance at Loew's State.

Faber to Nat'l Screen

Robert Faber, formerly with Paramount, has joined National Screen Service in an editorial capacity.

Trading Heavy on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	25⅝	25⅛	25⅝	— ⅜	200
Consolidated Film Industries	3	3	3	+ ½	100
Consolidated Film Industries, pfd	9¼	9	9¼	.....	200
Eastman Kodak	83½	82¼	83½	+1½	1,500
Eastman Kodak, pfd	125	125	125	+1	1,000
Fox Film "A"	13¾	13¾	13¾	— ¼	200
Loew's, Inc.	30⅞	30	30½	+ ½	2,800
Loew's, Inc., pfd	68	68	68	.....	100
Paramount Publix	1¾	1⅝	1⅝	— ⅛	1,600
Pathe Exchange	2	1⅝	1⅞	+ ⅜	6,000
Pathe Exchange "A"	13	13¾	12½	+1	6,200
RKO	2⅛	2	2	.....	800
Warner Bros.	6	5⅝	5¾	+ ⅛	5,700

Educational Off One on Curb

	High	Low	Close	Net Change	Sales
Educational	2	2	2	—1	5,000
General Theatre Equipment, pfd	¼	¼	¼	.....	200
Technicolor	9½	9¼	9½	+ ¼	300

General Theatre Bonds Off One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3½	3½	.....	1
General Theatre Equipment 6s '40, ctf	3	2⅞	3	—1	1
Keith B. F. 6s '46	47	47	47	+ ¼	3
Loew's 6s '41, ww deb rights	81	80½	81	+ ½	6
Paramount Broadway 5½s '51	30	30	30	.....	1
Paramount F. L. 6s '47	24½	23⅛	24½	+1	6
Paramount Publix 5½s '50	25	24	25	+1	15
Pathe 7s '37, ww	81	81	81	.....	2
Warner Bros. 6s '39, wd	41	39¼	40⅛	+ ⅞	57

Purely Personal

CHARLIE MCCARTHY, GABE YORKE, HAROLD B. FRANKLIN, HERBERT J. YATES, HARRY THOMAS, PETE HARRISON, ED FAY, EDDIE DOWLING, IRVING MANDEL, JOHNNY WALKER, W. RAY JOHNSTON, F. J. A. MCCARTHY, and ALEX MOSS were among those lunching at the Tavern yesterday. The 48th St. hostelry is becoming one of the most popular in town for film men.

FREY and BRAGGIOTI, radio artists, are doing a scene in MARSHALL NEILAN'S "The Social Register," which will be released nationally by Columbia.

RUDY VALLEE leaves for Hollywood today to start work in George White's "Scandals" for Fox. JACK HALEY is the latest addition to the cast.

CHARLOTTE HENRY arrives Dec. 10 from the coast. She is now making personal appearances throughout the country.

MARY DORAN has been signed by Vitaphone to play opposite HARRY GRIBBON in a short which starts this week.

ELISSA LANDI is back on the coast after a hurried trip to New York where she saw her mother off for England.

LAURA LA PLANTE, MARC CONNELLY, ROBERT E. SHERWOOD and DON ALVARADO are arrivals from abroad.

DOUGLAS FAIRBANKS, JR., is on his way to the Coast after spending only one day in town following his arrival from Europe.

WILSON COLLISON'S new yarn, "Forgotten Girl," is a new M-G-M acquisition. "Man and Wife," by BETH BROWN, is another purchase.

SIDNEY KINGSLEY'S play, "Men in White," a current Broadway stage hit, has been purchased by M-G-M.

GRACE FISHER, owner of three theatres in Cumberland, Md., is in town on product buys.

DAVID BERNSTEIN, Loew executive, is abroad and will not return until after the first of the year.

ROY DISNEY flew into town from the coast yesterday to spend the Christmas holidays here.

W. F. RODGERS, M-G-M division manager, is confined to his home with an infected foot.

RAYMOND CAVANAUGH is taking bows for his advertising manual on Amity's "Puss in Boots."

HARRY ARTHUR left for St. Louis yesterday.

EDDIE GOLDEN is making a swing of a few Monogram exchanges.

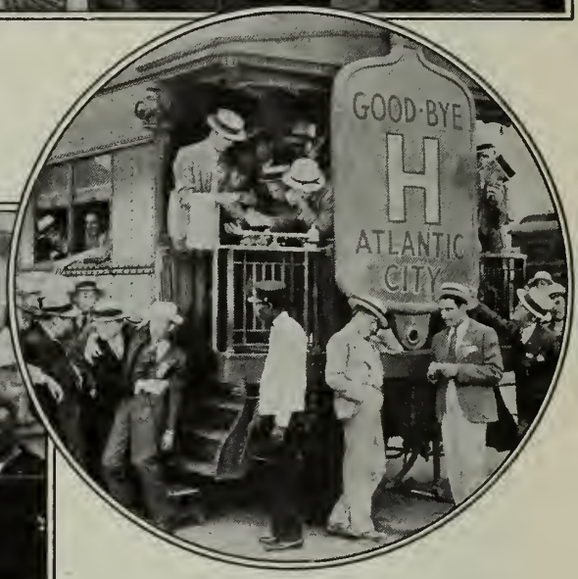
BELA LUGOSI heads Loew's State stage show starting today.

NEWS OF WEEK IN PHOTO-REVUE

ALL SET FOR NOVEL 'MUSI-GAL' SHOW is this lavish set for 'Wonder Bar,' Warners' latest Bacon-Berkeley opus.°

BIGGER-THAN-'WORLD CHANGES'-RECORD for 'House on 56th Street' is phenomenal mark set by Kay Francis in first week of indefinite run at N. Y. Hollywood.*

WARM WELCOME greets musicomedy star Hal LeRoy on arrival at Warner lot where he will be 'Harold Teen' in film of world-syndicated cartoon strip.



N.Y.'S MOST CONVULSING 'CONVENTION' to open Dec. 22nd when 10 great Warner laugh-stars arrive at Strand in 'Convention City.'°

DETROIT OFFICE CONTRIBUTES 12 first-run bookings to national total of more than 400 Xmas dates already scheduled for Joe E. Brown's 'Son of a Sailor.'°

TEMPTING TEAM of fem footballers highlights flash send-off for dual Boston run of 'College Coach,' Warners' timely lowdown on touchdown industry.

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

Leaders Talk Code Today In Washington

(Continued from page 1)

with the President and General Johnson, by noon today, the designated hour, a committee of probably three, but representative of the whole, will have been selected to represent the combined group at the conference itself.

Indicative of the accord in viewpoint which prevails is the fact that, among those who will be in Washington this morning, are Jack Cohn, vice-president of Columbia which has not signed the code, and Joseph M. Schenck, as president of 20th Century Pictures. The latter's opposition to the salary clauses and "star-raiding" provisions of the code is well known.

George J. Schaefer will represent Paramount; R. H. Cochrane, Universal; Nicholas M. Schenck, Loew's, Inc. and M-G-M; M. H. Aylesworth, RKO; Harry M. Warner, Warners; and Will H. Hays, the M. P. P. D. A.

Hits Criticism of Code Before Test

(Continued from page 1)

wrongs materialize, the code can be changed. Exemptions and exceptions can be allowed. But the code deserves a fair trial.

"We do not know whether it will work or not, but until we see what self-regulation can accomplish no one is entitled to criticize."

Rosenblatt stated that since the government had started the first real self-regulation efforts ever to come from the industry's diverse elements, it was up to the Administration to supervise early workings of the machinery set up in order to assure proper functioning of the code.

In a question-and-answer session which the deputy conducted at the close of his talk, he declined to make a ruling on the use of "scrip" books by exhibitors until specific cases are brought to his attention. This declaration followed a question put by David Barrist, of the local M.P.T.O. unit, who acted as interlocutor, which sought to determine whether the use of "scrip" was permitted under the code. Rosenblatt advised exhibitors using such books to finish out their agreements now in existence, however.

The deputy approved benefit performances, declaring that they were not banned by the code, explained the cancellation provisions in detail, whereby one in ten pictures can be rejected, and declared that the same provision applied to short subjects.

He clarified effect of the labor provisions on combination jobs, such as doormen and firemen, and offered the opinion that if the wage scale for both classifications of a combination job was met, the code's hour regulations could be waived. He explained the rejection of a moral clause proposed for the code, stating that, the code being law, inclusion in it of such a clause would open the way to ambitious prosecutors to make exhibitors their victims. He called upon the industry to formulate its own program of morals.

The deputy declared that trade associations "were never more necessary than now," and advised their complete maintenance. He expressed himself as being "favorably impressed" with the plans for a new, single national exhibitors' organization made public early this week by Jay Emanuel, local exhibitor and regional trade paper publisher.

Rosenblatt stated union and non-union disputes in the same neighborhood would be carried directly to Code Authority for settlement in the future. He made it clear that so long as existing agreements are met the code had no interest in changing union and non-union status and also stated a plan for meeting expenses of the code administration had not been worked out yet.

The morning session of the meeting was devoted to discussions of the code, conducted by Lew Pizor, president of the local M.P.T.O. unit. George P. Aarons, secretary, interpreted various code clauses.

To Air the Code

BALTIMORE, Dec. 7.—Frank A. Hornig, president of the M. P. T. O. of Maryland, has called a special meeting for Friday to hear a report on how the code affects theatre hours and salaries.

Here Is Executive Order On Which Protests Rest

Major company objections to the executive order, made public by the President as the text of the industry code was released on Nov. 30, are drawn from the order itself. The argument is that wide powers accorded to the administrator to accept, revise or throw out decisions made by code authority make it impossible for the industry to govern its own activities.

The text follows:

"An application having been duly made, pursuant to and in full compliance with the provisions of Title 1 of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a code of fair competition for the motion picture industry, and a hearing having been held thereon, and the Administrator having rendered his report containing an analysis of the said code of fair competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said code of fair competition complies in all respects with the pertinent provisions of Title 1 of said act and that the requirements of clauses (1) and (2) of sub-section (A) of Section 3 of the said Act have been met:

"Now, therefore, I, Franklin D. Roosevelt, President of the Untied States, pursuant to the authority vested in me by Title 1 of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations and findings of the Administrator, and do order that the said code of fair competition be, and it is hereby, approved, subject to the following conditions:

"To effectuate further the policies of the Act, that:

.."(1) Because the constituency of the Code Authority is named in this code, the Administrator shall have the right to review, and if necessary, to disapprove any act taken by the Code Authority, or by any committee named by it, and any act taken by any board named by it; and

"(2) If, in the administration of this code, any member or temporary alternate of any member of said Code Authority, or any member of any board appointed by the Code Authority shall fail to be fair, impartial and just, the Administrator shall have the right to remove such member or temporary alternate from said Code Authority, and to remove such member of any such board, and, if he deems necessary, to name another member or alternate from the general class represented by such removed member or alternate to replace such removed member or alternate upon said Code Authority or upon any such board; and

"(3) If, in the administration of this code, it shall be found by the Administrator that there has not been sufficient representation of any employer class in this industry on the Code Authority, the Administrator shall have the right to add members from any such class to such Code Authority; and

"(4) Because the President believes that further investigation with respect to the problems of payment of excessive compesation to executives and other employees in this industry is required, the provisions of Article V, Division A, Part 4, of this code are hereby suspended from operation and shall not become effective pending further report from the Administrator after investigation; and

"(5) Because the president believes that writers, authors, and dramatists are engaged in purely creative work, the provisions of Article V. Division B, Part 5, Section 1 (C) 2, 3, 4 and 6, of this code, shall not become effective with respect to such employes; and

"(6) Because the President believes that further investigation is required with respect to problems generally affecting unfair competitive methods of classes of employes of producers rendering services of an artistic, interpretative, technical, supervisory or executive nature, the provisions of Article V, Division B, Part 5, Section 1 (C), 2, 3, 4 and 6, of this code, are suspended from operation and shall not become effective pending further report from the Administrator, after investigation, as to whether such provisions should be definitely suspended, or modified, altered or changed, or become effective."

Reports Interest in Theatre Ass'n Plan

PHILADELPHIA, Dec. 7.—His suggestion for the formation of a brand new national exhibitors' organization has precipitated a number of favorable calls from exhibitors in other territories, declared Jay Emanuel, regional trade paper publisher today.

"I have no idea of pushing the suggestion since, after all, the idea, if it has merit, must be pushed by exhibitors themselves," he stated.

It is Emanuel's idea to organize a new association, perhaps as the American Exhibitors' Congress, to supersede existing national, as well as unaffiliated, theatremen's organizations.

ITOA to Sign Code And View Workings

The I. T. O. A. will sign the industry code by Jan. 10 and give it a chance to see how it works out, Harry Brandt, president, stated yesterday following the regular meeting at the Astor. The session was given over to a full discussion of the code with Milton C. Weisman, attorney for the unit, interpreting the various clauses. Labor problems and their effect on theatre operation highlighted the discussions.

Because of the frequency of accidents in the members' theatres, the organization has decided to establish its own liability and insurance company. This will be done very soon, Brandt stated. Because members find it more convenient to meet on Wednesdays instead of Thursdays, meetings have been set back one day. Previously the association met every Tuesday.

Capital Talk Today Focus Of All Eyes

(Continued from page 1)

York indicated that about 25 producers will accompany Hays to the capital, including men from three companies which have not signed the code, Columbia, United Artists and Twentieth Century. It is not anticipated, however, that this large delegation will be permitted to attend the conference, Hays having been advised by White House attaches yesterday that the President would see him and a small delegation not exceeding three or four.

The general consensus in Washington is that the producers will fail to move the President to rescinding his executive order, but will be told that the code authority can go ahead with its task with the assurance that it will not be unduly interfered with and that, if anything, the power of the administrator will be exercised to uphold its hands rather than hamper it.

It is anticipated the protestants will be told that the provisions of the executive order are designed as a safeguard to be called into operation only as a last resort, but they will be told also that General Johnson, Deputy Administrator Sol A. Rosenblatt and other recovery officials are deeply interested in the operation of the code and intend to keep in close touch with it during the initial stages of its enforcement, not only to see that it is complied with throughout the industry but also to determine whether any changes are necessary to make it a smooth-working program.

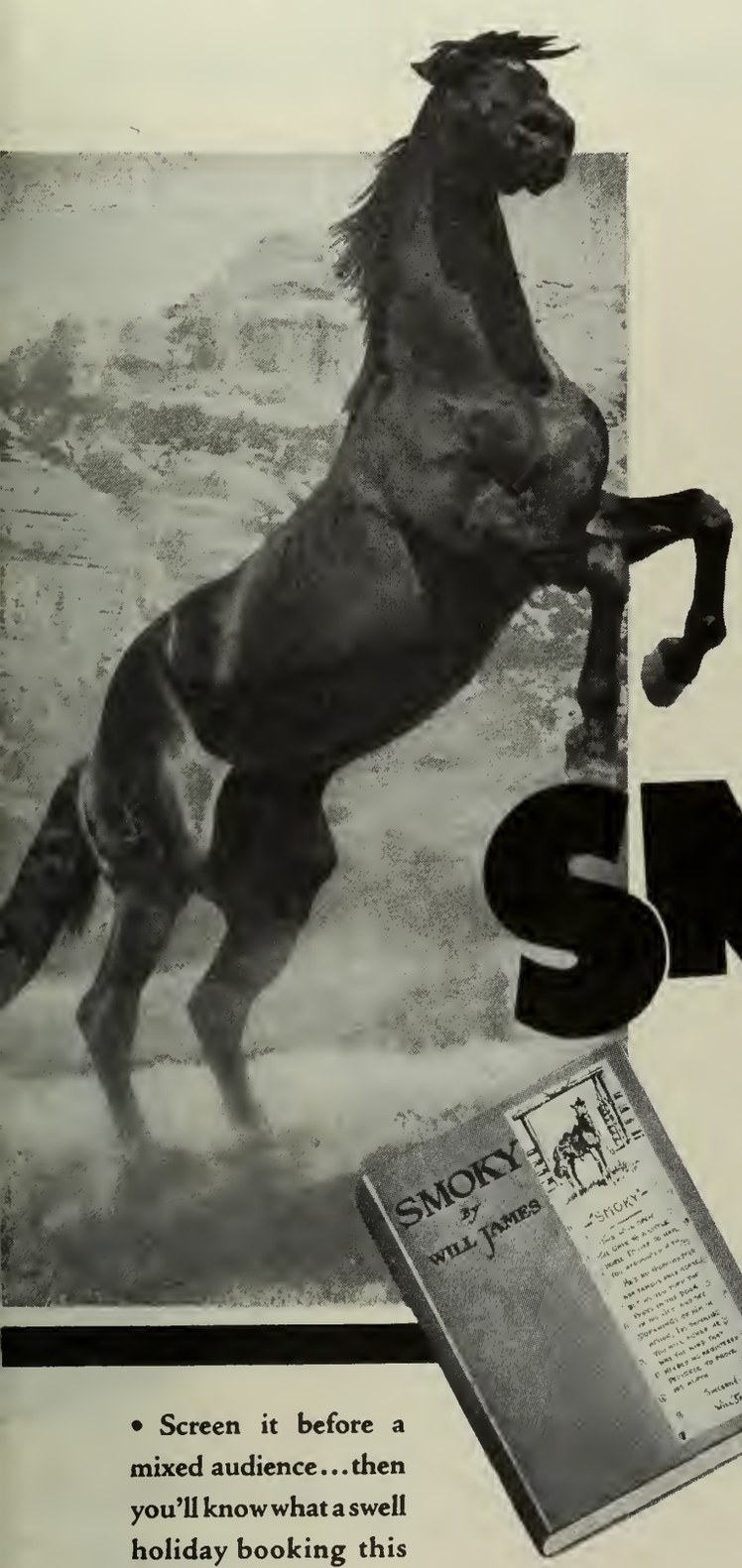
Meanwhile, it was learned at the Administration that nominations for the clearance and zoning and grievance boards are coming in large numbers and that there will shortly be a plentiful supply of names from which to select the members of the various organizations. It is not anticipated, however, that this will be done until the code authority has held its initial meeting, which will not be called until after the White House conference has developed the attitude to be taken by the President. There is a possibility that the first meeting of the authority will be held some time next week.

Printed copies of the industry code now are expected to be received from the government printing office Saturday. Original plans called for their delivery last night but after printing it was found errors had been made in the printing office, which necessitated the reprinting of the entire document. The code will be included in a pamphlet of more than 40 pages which also will carry the executive order and General Johnson's report.

Writers O.K. Code

HOLLYWOOD, Dec. 7.—The code has been officially approved by the Writers' Guild.

A REAL HOLIDAY PICTURE!



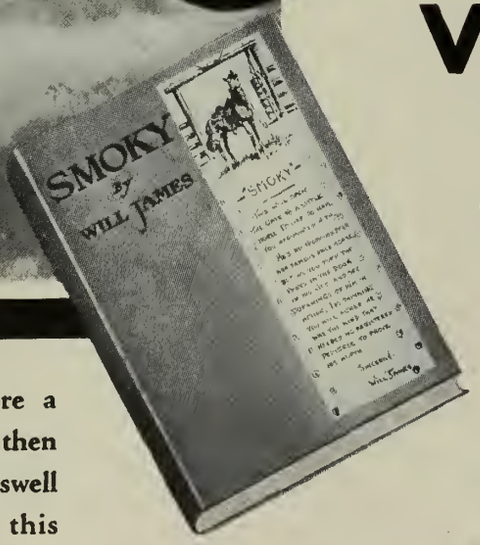
- **A treat** for children . . . and their parents.
- **The horse** that stands with Black Beauty in the hearts of America's millions.
- **The book** that ranks high in the best-seller ratings of all time.
- **A motion picture** hitting with an emotional punch that topples the hardest-boiled!

SMOKY

with

Victor JORY
Irene BENTLEY
and
Will JAMES

Directed by Eugene Forde



• Screen it before a mixed audience... then you'll know what a swell holiday booking this is. *Prints now available at all Fox Exchanges.*

JOIN THE UPSWING WITH FOX

Your patrons always like
FOX MOVIETONE NEWS

ALL ROADS LEAD
TRADE-SHOWINGS o

MAGNIFICEN

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Get your tickets NOW from your nearest U

...the NATION-WIDE
...SAMUEL GOLDWYN'S
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...Y MOTION PICTURE
...IN AMERICA
...12th.

...TED ARTISTS EXCHANGE

Walker Organizing NRA Super Council

(*Continued from page 1*)

bureau for disseminating all factual information to the general public with reference to governmental agencies will be established here and branch offices will be set up throughout the United States.

Arthur Krock, chief of the Washington staff of *New York Times*, said yesterday Frank C. Walker's position in the NRA "is in many respects the most important office that has been created under the legislation of the New Deal.

"If the new set-up draws upon the powers mentioned by the President in his order creating it today, if it functions smoothly and Mr. Walker's eminent associates turn over to him on occasions such of their authority as he may seek, no cabinet minister or administrator will be as powerful as Mr. Walker. No one but the President is given the right to disapprove his actions."

Court Refuses Move On Pay of Laemmle

A motion to restrain Universal from continuing the present salaries of Carl Laemmle and Carl Laemmle, Jr., was denied yesterday by Supreme Court Justice Isidor Wasservogel. The motion, brought by Benjamin Graham, a Universal stockholder, was based on the allegation that the two executives were receiving excessive salaries. Numerous film leaders appeared on behalf of the Laemmles and denied the allegations when the motion was argued recently.

Justice Wasservogel's decision held that, "On the papers submitted the court would not be justified in substituting its own judgment for that of the directors of the corporation with respect to the salaries here involved. The motion to enjoin payment of the salaries, or to reduce such salaries, is denied."

Tri-State Now Holds Control of Eighteen

DES MOINES, Dec. 7.—The Tri-State Theatre Corp. is now in control of 18 houses. They are the Des Moines, Paramount, Strand and Garden here; Capital and Princess, Sioux City; Paramount and Strand, Waterloo; Paramount and State, Cedar Rapids; Capital and Rialto, Newton; four major houses in Omaha and two in Grand Island, Neb.

Asher Flying to Coast

Following conferences with H. M. Warner and Sam E. Morris, Irving Asher, foreign production head for Warners, left by plane for the Coast yesterday. He arrived in New York on the *Majestic* on Monday and will be away for two weeks.

Asher has closed the Teddington studio in England for nine weeks and expects to bring over to the other side a number of American stars, including Laura La Plante, who has been signed for two pictures. Monty Banks will direct four of the 26 on next year's program.

Closing of the English studios is the first in two and a half years.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Mr. Skitch"

(Fox)

HOLLYWOOD, Dec. 7.—Will Rogers' latest is laugh entertainment for all types of patrons and particularly attractive to family trade.

America's homespun comedian, with his wife, twin daughters, Junior and their dog, because of sheriff mortgage trouble, decides to see America first. On rubber tires the family goes from auto camp to auto camp across the Rockies to Yellowstone Park, Calneva and California. They meet with strange adventures and people that will keep audiences in a high state of hilarity.

The human, homey quality of the picture, the quaint philosophy of Rogers, his resourcefulness when broke, his gambling episodes at Calneva, the family heartaches, the romance of young love, all set in America's beauty spots, contribute to make "Mr. Skitch" one of Rogers' funniest as well as most interesting films.

Zasu Pitts is the neurotic wife of Rogers, with good effect. Rochelle Hudson and Charlie Starrett are the romantic interest. Flo Desmond's impersonations of headline movie stars definitely register this girl in her first American screen appearance. Harry Green, traveling on wheels as a cure, gets plenty of laughs. Eugene Pallette is swell as a gambling toper. Ralph Spence's lines bristle and bubble with laughs in a fine story by himself and Sonya Levien. James Cruze's direction is commendable.

With the apparent turn of audiences to films of family life, "Mr. Skitch" should enjoy added popularity over and above the drawing power of Rogers in a film loaded with laughter.

Looking 'Em Over

"If I Were Free"

(Radio)

Something always seems about to happen and never really does in this story of a London lawyer, Clive Brook, in love with a divorced woman, Irene Dunne, whom he can't marry because his wife won't give him a divorce. His best friend, Henry Stephenson, wants to see the romance broken so it will not interfere with his career; his mother, Laura Hope Crews, wants it to continue so her son will be happy, and the discarded husband of Miss Dunne, Nils Asther, tries to blackmail her. Miss Dunne and the wife, Lorraine MacLean, meet finally in a hospital where Brook is facing death following an operation. The ending is happy.

It is smart, sophisticated, restrained throughout. Neighborhood houses catering to the family trade should label it for adult audiences.

Clive Brook's fans probably will like it, because he gives his usual polished performance. Miss Dunne is always convincing. Asther appears in only two short sequences. In the first of these he is shown holding a gun against his wife trying to get her to promise to be nice to his sweetheart—just a bit far-fetched.

The picture has its moments, one of them when Miss Dunne sings softly to the semi-conscious Brook as he lies in a hospital bed, but it stirred up giggles once or twice in a projection room audience yesterday where the effect was intended to be just the opposite.

"The Strawberry Roan"

(Universal)

"The Strawberry Roan" is a honey of a western. It can be unqualifiedly recommended as one of the most satisfying pictures of its kind to come along in a long time. For sheer thrill and pounding action it is unbeatable. Ken Maynard has never appeared to better advantage than he does in this one.

The plot concerns a group of cowhands who rustle their boss's horses and manage to escape punishment by spreading a story that a leader of a pack of wild horses, known as the Strawberry Roan, has been letting the animals free and driving them off to the hills. Ken, a new hand, suspects the foreman of the ranch is the head of the rustlers.

The roan is captured. A wealthy ranchman promises the one capable of riding it the gift of his property. The foreman, knowing that once the roan is penned up, the truth is certain to leak out, does all in his power to set the horse free. He fails and gets a terrific beating from

(*Continued on page 9*)

Loew's Stock Sale Hearing Postponed

(*Continued from page 1*)

poned to Monday by Judge John Knox in U. S. District Court here. The postponement was granted at the request of attorneys for Chase National Bank, holder of the principal amount of defaulted notes of Film Securities for which the Loew's stock is posted as collateral. The attorneys stated that bank officials whose testimony is regarded as essential were detained in Washington yesterday in connection with the Senate banking investigation.

It is proposed to sell the Loew's stock at public auction Dec. 12 to satisfy $20,000,000 of defaulted Film Securities notes. Chase is regarded as a likely bidder.

Loew's 12-Week Net Reported 100% Up

Earnings of Loew's, Inc., for the first 12 weeks of the current fiscal year, starting Aug. 31, are reported to be double those of the same period a year ago.

Preferred dividends for the 1932 period were 36 cents a share, indicating that those for the current period are now running between 70 cents and $1 quarterly.

Current advance in foreign exchange is cited as one of the greatest factors in the improved earning position of the company, with $3,000,000 of additional income estimated for the year from this one source. American film rentals, improved theatre attendance over last year and reduced operating costs are cited as other contributing factors in the company's current financial showing.

Dirt in St. Louis Faces Jury Action

ST. LOUIS, Dec. 7.—The grand jury of the December term of the Circuit Court for Criminal Causes here has been empowered to conduct any investigation into theatres, dance halls and other amusement places that it sees fit. The jury was informed of decision to this effect by Circuit Judge Bader.

"Some shows are being run beyond the bounds of decency," the judge said. A member of the jury remarked that while two girl dancers had been arrested recently in a small theatre on Broadway, a dance just as bad was being featured on the program of another house.

So the show girls better ask old Santa to send them some new clothes in a hurry, other than girdles and brassieres.

500 Turn Out for Roach Anniversary

HOLLYWOOD, Dec. 7.—No expense was spared by Hal Roach in celebrating tonight his 20th year as a comedy producer. An entire stage was converted into a dance floor for the 500 guests. The affair went on the air on a coast-to-coast hook-up of the NBC system. Louis B. Mayer was introduced by Henry Ginsberg, general manager of the Roach studios. Roach also made a radio speech. The entertainment program featured stars, past and present, who have worked under the Roach banner.

U. A. Goes to Court Over "Blood Money"

BALTIMORE, Dec. 7.—United Artists has started court action to secure approval of "Blood Money" by the Maryland censors. Judge Samuel K. Dennis, in City Court, has ordered the censors to answer by Dec. 11 and has set a hearing for Dec. 14.

Censors barred the film on the ground that it was "immoral, indecent and inhuman."

20th Century Gets Title to U. A. Plant

HOLLYWOOD, Dec. 7.—Transfer of title to the United Artists studio from the United Artists Studios Corp., Ltd., to 20th Century and Samuel Goldwyn has been completed.

Strike Over, Levy; No, State ITOA Men

(*Continued from page* 1)

selling independents individually. He also added that most of the local accounts had been closed.

Contradicting this was Harry Brandt, president of the unit, who, when advised of Levy's statement, said that I. T. O. A. members had not yet agreed to end the local buying strike.

Films in No. 1 Spot

PHILADELPHIA, Dec. 7.—The experiment of the *Philadelphia Record* of leading off its amusement section in last Sunday's issue with a front page devoted to films instead of to the theatre as had been the custom, is expected to continue. Harry Goldberg, Warner publicity head here, is believed to have been responsible for getting David Stern, publisher of the *Record,* to set the precedent.

Seek Tax Cut

NEW HAVEN, Dec. 7.—Receivers for Fox New England Theatres, Inc., today sought a readjustment in the tax assessments on the Palace and Strand theatres, Waterbury, for 1931-1932. The appeal was filed in the Civil Superior Court by Benjamin Slade of New Haven, Thomas J. Spellacy of Hartford, and Sam Spring of New York.

U. A. Circuit Loss Up

United Artists Theatre Circuit and subsidiaries suffered a loss of $358,902 in the fiscal year ended Aug. 31 after allowance for depreciation, amortization, interest and other charges, according to its financial statement just made public.

This compares with a loss for the previous year of $194,715.

Miss Pickford Coming

HOLLYWOOD, Dec. 7.—Mary Pickford starts east Saturday. She is interested in doing a play on Broadway which she would do into a film in the event it proved a success.

Out of Master Art

W. P. ("Pat") Garyn is no longer associated with Master Art Products, independent distributing company in New York.

Looking 'Em Over

(*Continued from page* 8)

Maynard, who succeeds in breaking in the animal, gets the reward and wins the daughter of his boss.

The fight between Maynard and the foreman, a struggle between two wild horses and a stampede of hundreds of animals are but a few of the exciting scenes in the film.

Ruth Hall plays well opposite Maynard. Harold Goodwin, Charles King, William Desmond and James Marcus are others who do capably. Then, of course, there is Tarzan, who is rather important to the plot.

"Sagebrush Trail"

(*Monogram*)

Western fans will find enough action in John Wayne's latest to keep them in happy spirits. Plenty of gun-play, hard riding and fisticuffs are injected into this outdoor melodrama which has the hero in search of a murderer who committed a deed for which Wayne has been sent to prison. Wayne breaks jail, meets his man but doesn't recognize him until Lane Chandler confesses his guilt. Both later become involved in a stage holdup and in escaping the gang Chandler is mortally wounded. The sheriff bobs up in time to hear the dying confession, absolving Wayne from the crime.

During the time Wayne and Chandler have been pals together, both have fallen in love with Nancy Shubert, but Wayne has been having first call. Chandler's death ends the competition as well as the activities of the outlaw gang.

Yakima Canutt, Art Mix, Wally Wales and Robert A. Burns also are in the cast.

"The Last Trail"

(*Fox*)

George O'Brien and Zane Grey fans will whoop it up over this one. It has plenty of action and humor. At the RKO Colonial the kids cheered George every time he had a set-to with the villains of the piece, and there are many of them. J. Carrol Naish, a crooked lawyer, has seized the ranch that should be O'Brien's by having one of his henchmen pass himself off as the rightful heir. The scheme hinges on the fact that O'Brien has not been located. When the hero of the story discovers the plot he joins the criminals, who never suspect the truth until shortly before the end. And when the revelation comes the fireworks start!

The romantic angle has O'Brien falling in love with a woman "stool" working with the gang. Claire Trevor is the girl. El Brendel creates most of the fun.

"When a Man Rides Alone"

(*Freuler*)

Tom Tyler's popularity with juveniles was definitely manifested when his name flashed on the screen. The youngsters in a neighborhood house yelled and whistled approval and their action was rewarded by the cowboy's appearance in a virile role. Tyler doesn't hesitate about using his fists and enjoys knocking around at least three villains. The romance with Adele Lacey gets under way during the latter part of the picture.

Being one of the many victims of Al Bridge, who has fleeced stockholders of a gold mine of their interest, Tyler plays a lone hand in holding up the coaches transporting the ore. He distributes it among the stockholders and then sets out to get the goods on the villain. Bridge kills Miss Lacey's father in a coldblooded affair and when the girl arrives in town she immediately takes a liking to Tyler. After the hero rounds up the villain he takes up romancing and everything ends satisfactorily for the fans.

"Gow"

(*States Rights*)

"Gow" is a record of life and customs among the tribes of the South Seas made by Captain E. A. Salisbury, the explorer, during a recent trip around the world.

The camera invades many islands of the tropical Pacific. The opening scenes show the soft, peaceful life lead by the natives of Tahiti. As Captain Salisbury travels westward the tribes become increasingly savage and dangerous. Scenes in the Solomons, rituals of cannibals and headhunters.

Many of the scenes seem surprisingly real. The photography is not always good.

It offers exploitation tieups with schools, libraries and educational groups.

FWC Gets Right To Organize Pool

(*Continued from page* 1)

ments with creditors lopping some $12,000,000 off listed claims of $39,000,000 and to issue loan certificates to the total of $208,500 against the bankrupt properties.

The first report and accounting of the trustees covering the period to July 29, last, have been filed, as have the final reports of the receivers. The receivers have turned over to the trustees the balance of $97,001 standing at the end of their tenure, April 8. The trustees' report shows for the operating period to July 29 a favorable balance of $137,140, after disbursements of $1,805,002. Loans, for which certificates will be issued, are to conserve equities in various theatres.

M. P. Club's Roster To Be Held to 100

Membership in the Motion Picture Club will be limited to an active list of 100 under a reorganization plan being submitted to members by Lee A. Ochs, president. New membership applications are being received up to Dec. 12.

Members will be asked to take action later on an offer of new quarters for the club adjacent to the Edison Hotel on 46th St. Economies would be possible, it is said, through operation of a private dining room for the club by the hotel kitchen.

Adolph Klauber Dead

LOUISVILLE, Dec. 7.—Adolph Klauber, 64, at one time casting director in New York for Samuel Goldwyn, died here today after a long illness. He was associated with the *New York Times* several years ago as dramatic critic.

"Women" Drew $325,000

In its three weeks' engagement at the Music Hall, which ended yesterday, "Little Women" played to an audience of 450,701 and a gross of nearly $325,000, both record figures, according to RKO.

Canton 2-Man Bill Dies

CANTON, O., Dec. 7.—A two-man-in-a-booth ordinance sponsored by the local operators' union has been tabled indefinitely by the City Council. George Kraska, Loew manager, led the managers of the city in their opposition to the measure.

Beall Replaces Whitbeck

HOLLYWOOD, Dec. 7.—"Ham" Beall replaces Frank Whitbeck in charge of publicity and advertising at Grauman's Chinese.

Rothacker Out of Bed

HOLLYWOOD, Dec. 7.—Watterson R. Rothacker is back home after being confined for a long time to a hospital bed by pneumonia.

Flinn on Way Back

HOLLYWOOD, Dec. 7.—John C. Flinn is on his way back to New York.

SHOW-BUSINESS HAS NEVER

WESTERN UNION

SAN FRANCISCO. LITTLE WOMEN OPENED YESTERDAY SHATTERING ALL ATTENDANCE RECORDS OF GOLDEN GATE THEATRE HOLDOUTS ALL DAY CROWDS CLAMORING TO GET IN BUSINESS TODAY LOOKS LIKE IT MIGHT BE EVEN BIGGER

WESTERN UNION

NEW ORLEANS. OPENED WITH LITTLE WOMEN YESTERDAY TO GREATEST BUSINESS SINCE THE ELIMINATION OF VAUDEVILLE SECOND DAY TOPPED OPENING STOP INTEND HOLDING PICTURE SECOND WEEK BUT ALL INDICATIONS POINT TO OUR BEING FORCED TO HOLD IT THREE WEEKS WHICH WILL BE THE FIRST TIME ON RECORD THAT THE ORPHEUM HAS HELD ANY ATTRACTION FOR THIS LENGTH OF TIME VICTOR MEYER

WESTERN UNION

CINCINNATI. LITTLE WOMEN SECOND WEEK OPENING CAPITOL HERE TODAY NEARLY A RIOT STOP AT THREE OCLOCK MORE THAN TWO HUNDRED DOLLARS AHEAD SAME TIME FRIDAY FIRST WEEK LOOKS LIKE THREE WEEKS SURE AND POSSIBLE THE FOURTH

WESTERN UNION

PITTSBURGH. OUR THIRTY EIGHT HUNDRED SEATS WERE FILLED ALL DAY AND SIXTEEN HUNDRED WERE STANDING ALL EVENING AND THOUSANDS TURNED AWAY COMMENTS OF OUR PATRONS FAR SURPASS MY FONDEST HOPES STOP LITTLE WOMEN IS TRULY A PICTURE IN WHICH THE ENTIRE MOTION PICTURE INDUSTRY MAY WELL TAKE GREAT PRIDE STOP CONGRATULATIONS AND BEST WISHES WILLIAM SCOTT MANAGER STANLEY THEATRE

WESTERN UNION

MINNEAPOLIS. HENNEPIN ORPHEUM BROKE ALL EXISTING BOX OFFICE RECORDS THURSDAY WITH OPENING LITTLE WOMEN STOP NEVER IN ALL MY EXPERIENCE HAVE I WITNESSED SUCH A SCENE AS I SAW TODAY WHERE PEOPLE WERE LINED FOUR ABREAST FROM TWO TO CLOSING TIME AND THOUSANDS TURNED AWAY STOP

WESTERN UNION

BALTIMORE. LITTLE WOMEN IS SMASHING ALL HOUSE RECORDS HERE INTO SPLINTERS STOP AND EVEN THAT DOES NOT DO THE PICTURE JUSTICE FOR THE CROWDS THAT ARE UNABLE TO GET IN FAR EXCEED THOSE THAT CAN STOP COMMENTS ON PICTURE BY FAR THE GREATEST I HAVE EVER HEARD IN ALL MY YEARS IN THIS BUSINESS STOP WORDS FAIL ME IN DESCRIBING IT CONGRATULATIONS I S RAPPAPORT

WESTERN UNION

PORTLAND. LITTLE WOM GROSS IN HISTORY OF MUSI HOLD OUT FROM NOON UNTIL THIS MORNING NINE AT ELEV ENTIRE BLOCK ALONG BRO ANOTHER BLOCK ON SIDE S

Make this a "VE

VELVET in show business is the difference between the money yo get and the money you wouldn't get if you didn't go after i

▼

We've been talking about the money "earmarked" for "Littl Women". . it's the VELVET for the kind of showmanship willing t spend money to make money!...it's the VELVET for the showma smart enough to cash in when opportunity pounds on his door

▼

"Little Women" was made to order for the Christmas Holiday season. No other attraction could possibly have its universa appeal to people of all ages and positions in life. Throughou the Nation the success of "Little Women" has been so phenom enal and its reception so unprecedented that it has leaped be yond the confines of show business and now belongs to the whole wide world as an Ideal!

▼

Newspapers by the hundreds have printed editorials commend ing it . . . educators have proclaimed holidays and given credi

WESTERN UNION

DETROIT. RADIO PICTURES HAS GIVEN THEATRE OPERATORS A REAL REASON FOR THANKSGIVING STOP AFTER ESTABLISHING A NEW HIGH ATTENDANCE RECORD AT THE FOX THEATRE LITTLE WOMEN OPENED EXTENDED RUN AT THE RKO DOWNTOWN TODAY TO THE LARGEST CROWD IN HISTORY OF HOUSE STOP MOTION PICTURE CRITICS EDITORIAL WRITERS CHURCH REPRESENTATIVES EDUCATOR ORGANIZATIONS AND WOMENS CLUBS WERE UNANIMOUS IN HEAPING PRAISE ON THE PRODUCTION STOP MY SINCERE CONGRATULATIONS AND AGAIN I SAY WE ARE ALL THANKFUL FOR LITTLE WOMEN D M IDZAL

CHICAGO. ING IN LINE ELEVATED S NINE THIS M OUR FONDES REVIEWERS IS BEST MOT

WESTERN UNION

KATHARINE HEPBURN in "LITTLE

KNOWN ANYTHING LIKE IT!

STERDAY LARGEST
, CONTINUOUS
P THEATRE OPENED
BREAST EXTENDED
ROUND CORNER

NEW HAVEN. LITTLE WOMEN OPENED YESTERDAY IN SOME OF OUR PRINCIPAL THEATRES IN NEW ENGLAND TO THE MOST OUTSTANDING BUSINESS IN THE LAST YEAR STOP AUDIENCE REACTION TO THIS PICTURE MARVELOUS STOP PATRONS ARE COMING INTO THIS PICTURE WHO HAVE NOT BEEN IN THEATRES FOR SOME TIME STOP BUSINESS CONTINUES VERY STRONG AND WE LOOK FOR RECORD GROSSES IN ALL THEATRES STOP IT IS A PRIVILEGE TO BE ABLE TO PRESENT SUCH A FINE PICTURE TO THE THREATRE GOING PUBLIC B E HOFFMAN ZONE MANAGER WARNER BROTHERS NEW ENGLAND THEATRES

MEMPHIS. LITTLE WOMEN SET NEW RECORD FOR MEMPHIS TODAY PLAYING TO SIX THOUSAND FIVE HUNDRED FIFTY THREE ADMISSIONS ON THE MATINEE ALONE STOP AN UNBROKEN LINE OF ONE BLOCK LONG MARCHED CONTINUOUSLY TO THE BOX OFFICE STOP PUBLIC AND PRESS IN MEMPHIS ACCLAIM LITTLE WOMEN THE FINEST PICTURE THE SCREEN HAS EVER OFFERED CONGRATU LATIONS FOR THIS TRULY FINE PRODUCTION AND BOX OFFICE ATTRACTION ROY PIERCE ORPHEUM THEATRE

VET" Christmas!

marks to pupils for seeing it! . . critics without exception have lavished praise heretofore unknown in motion picture history! . . . in every city and town attendance and box-office records have been buried beneath a veritable avalanche of business!

▼

There are millions of dollars of "earmarked" money waiting for "Little Women" and those theatres so fortunate as to play it during the Christmas Holiday season will enjoy undreamed of attendance. To every theatre playing "Little Women" we urge the most extensive advertising campaign you have ever done . . . increase your newspaper space . . . go into the highways and byways with posters . . . contact your schools and civic organizations . . . utilize the wealth of material provided for you in what exhibitors say is the greatest press book ever produced. If you have advertising budgets throw them overboard and shoot the works, for this "earmarked" money that has been set aside by its owners for this show and this show alone is your VELVET.

SEATTLE. LITTLE WOMEN NOW PLAYING SIMULTANEOUSLY I MY SEATTLE BLUE MOUSE PORTLAND MUSIC BOX AND TACOMA MUSIC BOX THEATRES HAVING OPENED THANKSGIVING DAY IN EACH TOWN STOP ALL ATTENDANCE RECORDS SINCE OPENING O THESE THREE THEATRES HAVE BEEN SHATTERED JOHN HAMRICK

TOLEDO. LITTLE WOMEN SINCE OPENING CONTINUOUS HOLD-OUTS STOP NO PICTURE IN RECENT YEARS HAS HAD A WIDER BOX OFFICE APPEAL STOP HOLDING FOR AN INDEFINITE RUN STOP GIVE US MORE LITTLE WOMEN STOP CONGRATULATIONS ON THIS GREAT PRODUCTION JOHN F. KUMLER

READING. PARK THEATRE OPENED UP YESTERDAY WITH LITTLE WOMEN AND SMASHED ALL TIME ATTENDANCE RECORDS STOP HOUSE GROSSED IN ONE DAY WITHIN A FEW DOLLARS OF THE RECORD FOR WEEK OF SEVEN DAYS

CANTON. LITTLE WOMEN OPENED FAR BEYOND OUR EX-PECTATIONS WISH TO CONGRATULATE YOU ON INCOMPARABLE PRODUCTION CAST AND PUBLICITY REACHES NEW HEIGHTS IN GROSSES G B ODLUM PALACE CANTON

VE BEEN STAND-
THEATRE TO
S STREET SINCE
S WILL BE BEYOND
OP ALL NEWSPAPER
IM LITTLE WOMEN
EVER PRODUCED

INDIANAPOLIS. HAPPY TO TELL YOU LITTLE WOMEN OPENED TO CAPACITY BUSINESS ALL DAY YESTERDAY WITH INDICATIONS FOR A MOST REMARKABLE ENGAGEMENT OUR STAFF THE CRITICS AND PUBLIC WILDLY IN LOVE WITH HEPBURN AND SUPPORTING COMPANY MASTERFUL DIRECTION CUKOR AND THE ENTIRE TOWN WILD ABOUT LITTLE WOMEN ACE BERRY CIRCLE THEATRE

KANSAS CITY. LITTLE WOMEN MAINSTREET THEATRE SHOWE TO ELEVEN THOUSAND FIVE HUNDRED SEVENTY FIVE ADMISSIONS YESTERDAY STOP THIS TOPS ANYTHING THIS THEATRE HAS EVER DONE STOP HOUSE COMPLETELY SOLD OUT FORTY FIVE MINUTES AFTER DOORS OPENED

WOMEN"

By LOUISA MAY ALCOTT *with* JOAN BENNETT
PAUL LUKAS . . FRANCES DEE . . JEAN PARKER
EDNA MAY OLIVER . . Douglass Montgomery, Henry Stephenson
Directed by George Cukor MERIAN C. COOPER, Executive Producer Kenneth Macgowan, Associate

RKO Radio PICTURES

Better Film Only Answer, Cohen Avers

(Continued from page 1)

atres and entertained after they come in.

Pictures that will do this must be made, and they must be produced at a cost that will allow a profit, even although every company in the business will work under a financial strain.

Comedy, I believe, is the one great essential for the coming season. People really want to laugh again. The depression is leaving us and taking many of our troubles with it. Laughter is becoming popular, after the dreary days, and motion picture patrons are seeking amusement.

The types of musical pictures that we have been having are passing, I think. This type of picture will have to be exceptional. It may be that romantic musicals will hit the public taste, entertainment of the operetta type.

The vogue of the period film seems to be increasing, but it is my view that such stories must be written around some famous character. For example, Paramount is starring Marlene Dietrich in "Catherine of Russia" and Claudette Colbert in "Cleopatra." Greta Garbo is to be seen in Metro's "Queen Christina" and Norma Shearer is to do "Marie Antoinette." Katherine Hepburn is set for "Queen Elizabeth" at Radio, and Warners plan to produce "Napoleon."

Comedy will also extend to the treatment of the so-called "sex" pictures. The gangster and horror films have had their day. The public taste is turning to more simple, human stories. The charming love story, which has always been an important feature of the entertainment of the world, is coming into its own again. The public always has loved such stories and I do not think that the taste of the people has changed basically.

These, I believe, are the important changes that we will see. We are due for more comedy, more reality and frankness in our stories, more sentiment and less sentimentality, more romance and less cynicism. If these indications are borne out, I believe that days of great prosperity will come back to the theatres.

N. O. Expects Mae West

NEW ORLEANS, Dec. 7.—Mae West's next for Paramount, "It Ain't No Sin," is to be made here, it is understood, and the company is expected to spend a month here on location.

Two for Para., Bklyn

"Duck Soup" has been booked into the Paramount, Brooklyn, starting Dec. 29, and will be followed by "Design for Living."

Cunningham on Own

Robert G. Cunningham, for the past four years New York manager of the film manufacturing department of Agfa, has resigned to open his own office.

Troublesome

One well-known film man is troubled on this repeal problem.

"I don't know whether I ought to take a chance drinking this legal liquor," he said yesterday.

It's a Question if Fans Spell Actress

HOLLYWOOD, Dec. 7.—Sally Rand, who made the nation fan-conscious and who was brought here by Paramount for a spot in "Bolero," with an option on "Murder in the Vanities," is displaying a smoke screen of temperament of such volume that it makes pikers out of the higher-priced stars on the lot. Among the many things that displease her is the fact that she has only a few lines to speak, wants more money, insists that she is a dramatic actress and wants to be treated as such.

The studio thinks she is a good dancer.

Detroit Withdraws Smoking Ordinance

DETROIT, Dec. 7.—An ordinance prohibiting smoking in theatres, introduced in the City Council by the Board of Fire Commissioners, of which George W. Trendle, manager of the local Publix theatres, is a member, was withdrawn when it came up for hearing.

Present regulations, which permit smoking in portions of certain theatres that comply with the fire laws, will be continued. Trendle, however, has discontinued smoking in the Publix houses.

Oregon Houses Plan To Battle Tax Plan

PORTLAND, Dec. 7.—Oregon exhibitors face a possibility of a four per cent tax on grosses to provide funds for pensions. A special session of the legislature has been called to act on the measure.

Theatre owners have organized strong opposition to prevent passage of the bill, citing present heavy state and Federal taxes, and increased overhead due to labor and the NRA. Exhibitors are retaining legal talent to fight the bill.

Price War Spreads Duals in St. Louis

ST. LOUIS, Dec. 7.—The price war along the Grand Boulevard front has spread to Loew's State at Washington Ave. and Eighth St. Duals were started there recently. This leaves the Ambassador as the only first run with single bills, but it compensates for this by putting on a big stage show.

Signs Sophie Tucker

Sophie Tucker has been signed by Majestic for one picture, leaving for the coast Jan. 20. On Dec. 22, she opens at the Hollywood restaurant for a three-week booking.

Para. Signs Johnson

Moffett Johnson, stage player, has been signed by Paramount and leaves for the coast in three weeks.

"Dancing Lady" Is Providence Smash

PROVIDENCE, Dec. 7.—Top business was caught by Joan Crawford in "Dancing Lady," which did $16,500 at Loew's State, $4,500 over the average figure. Paramount also was above par with the combo bill of "Take a Chance" and "Hell and High Water." All of the other downtown houses were right at the border line, but business on the whole was good.

Holiday trade was better than usual for Thanksgiving despite the stiff competition of college and schoolboy football games.

Grosses for the week totaled $43,700. Average is $40,500.

Estimated takings for the week ending Nov. 30:

"TAKE A CHANCE" (Para.)
"HELL AND HIGH WATER" (Para.)
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $7,200. (Average, $6,500.)

"DANCING LADY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. Stage show headed by Eddie Garr. **Gross:** $16,500. (Average, $12,000.)

"FEMALE" (F. N.)
"MY LIPS BETRAY" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,800. (Average, $7,000.)

"KING FOR A NIGHT" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Hollywood Revue with Ann Pennington on stage. **Gross:** $7,000. (Average, $7,000.)

"RIGHT TO ROMANCE" (Radio)
"MASTER OF MEN" (Col.)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,000. (Average, $7,000.)

"ANN VICKERS" (Radio)
RKO VICTORY—(1,600), 10c-25c, 7 days. **Gross:** $1,200. (Average, $1,000.)

N. V. Ritchey Is Set For European Tour

Norton V. Ritchey of the Ritchey Export Corp., which handles all Monogram productions abroad, will be off soon on an extensive tour of Europe to close a number of distribution deals. His first stop will be London. He will be away several months.

"Duck Soup" $10,500 Above In Beantown

BOSTON, Dec. 7.—Grosses pushed to a new high in Boston for the week just closed with a total first run business of $123,000, highest for many moons.

The Metropolitan was high with "Duck Soup" which was $10,500 above average for one of the high marks of the season at that house. Close on the trail for high honors was Loew's State with "Christopher Bean" which came in for some of the indirect Marie Dressler birthday publicity and cashed in on it.

Both RKO houses fared well, "Chance at Heaven" scoring $5,000 above average and "Berkeley Square" going $3,000 over the top. "I'm No Angel" played a second week and fared within $500 of its first week gross at the day and date houses, Fenway and Paramount.

Total first run business was $123,000. Average is $95,000.

Estimated takings for the week ending November 23 were:

"CHANCE AT HEAVEN" (Radio)
BOSTON—(2,900), 25c-50c, 7 days. Cotton Club Show. **Gross:** $21,000. (Average, $16,000.)

"I'M NO ANGEL" (Paramount) 2nd Week
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000.)

"BERKELEY SQUARE" (Fox)
KEITH'S—(3,500), 30c-50c, 7 days. **Gross:** $19,000. (Average, $16,000.)

"CHRISTOPHER BEAN" (M-G-M)
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaude. **Gross:** $22,500. (Average, $16,000.)

"DUCK SOUP" (Paramount)
METROPOLITAN — (4,350), 30c-65c, 7 days. Bernice Claire in person. **Gross:** $38,500. (Average, $28,000.)

"I'M NO ANGEL" (Paramount) 2nd Week
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $12,000. (Average, $9,000.)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 135 NEW YORK, SATURDAY, DECEMBER 9, 1933 TEN CENTS

EXPECT EXECUTIVE ORDER TO STAND PENDING TRIAL

Publix Unit Receives Bid Of $1,800,000

A bid of $1,800,000 for the assets and properties of Publix Enterprises, Inc., is made by Famous Theatres Corp., recently organized Paramount Publix subsidiary, as the basis of the reorganization plan for the bankrupt, made public yesterday.

Sale of the assets will take place Dec. 21 in the offices of Henry K. Davis, referee in bankruptcy. Famous Theatres' offer must be acted on before Dec. 23 and it is regarded as unlikely that any other bid will be received.

A final computation of what settlement will be made with creditors of Publix Enterprises on the basis of the $1,800,000 bid cannot be made yet, owing to the fact that a number of contested claims against the bankrupt have not been ruled on by the referee. Present indications are, however, that the bankrupt may be

(Continued on page 2)

Court Delays On Radio City Lease Action

Decision on new leases on the two Radio City theatres was postponed yesterday when Walter Reade, an RKO creditor, who appeared before U. S. District Judge William Bondy to oppose the agreements, was granted the right to prepare evidence to sustain his contention that operation of the Music Hall and the RKO Roxy was jeopardizing the chances of the RKO circuit to rehabilitate itself. This evidence will be presented to Judge Bondy on Dec. 18.

Reade, who referred to the Radio City houses variously as "lame ducks," "lemons," and as "no good theatrically," said the leases should not be approved because the two houses were "punishing the other theatres in the RKO circuit." He

(Continued on page 2)

Leaders Spend Hour with President, but General Johnson Intimates No Change Will Be Made for the Present

By RED KANN

WASHINGTON, Dec. 8.—Leaders of the film industry today made what promised to be a futile effort to secure changes in the executive order of Nov. 27.

Intimations that the Administration would stand firmly behind the executive order as originally issued, at least until a fair trial of the code has demonstrated the need for changes, were given by Recovery Administrator Hugh S. Johnson following a lengthy conference with the executives at the White House.

For the first time since the code was originally proposed President Roosevelt today received a formal delegation of film leaders. For nearly an hour the President listened to the objections of Will H. Hays and the two associates who comprised the committee representing the industry. With General Johnson and Deputy Administrator Sol A. Rosenblatt, he surveyed the entire situation, displaying a comprehensive knowledge of the industry and the situation which brought the film leaders to Washington.

The Administration's viewpoint, it was represented following the conference, is that the provisions of the ex-

(Continued on page 4)

Court Denies Moves In Investors' Case

Federal Judge Marcus B. Campbell in Brooklyn yesterday denied a motion of Robert P. Levis, attorney for New York Investors, Inc., now in equity receivership, to have certain allegations stricken from the petition of Archibald Palmer to have the concern declared bankrupt. The allegations Levis sought to have stricken out are to the effect that the corporation is insolvent. Trial to determine the corporation's solvency has been set for Jan. 3.

Dec. 18 has been set for a hearing on the application of the Realty Associates Securities Corp., bankrupt subsidiary of New York Investors, for confirmation by the court of its proposed settlement to creditors.

Bigger U. A. Studio Now Being Planned

HOLLYWOOD, Dec. 8.—With some of the companies contributing to the United Artists schedule forced to seek studio facilities outside of the U. A. lot, Robert Fairbanks, new studio manager, is knee deep in plans for enlarging the plant.

As it was in the case when 20th Century, Sam Goldwyn and Reliance

(Continued on page 2)

Cullman Anticipates Balance of $25,000

Howard S. Cullman, receiver for the 7th Ave. Roxy, anticipates a net profit of about $25,000 when he submits his 25 weeks' report on operation to Federal Judge Francis G. Caffey on Dec. 12. This, he says, will compare with a net loss of $230,000 for the same period last year. He was not the receiver last year.

Last week Cullman announced that for 21 weeks of his second six months' term which is drawing to a close, the net operating profit after fixed charges was $2,821.99. This did not include bond interest and depreciation. Cullman is expected to be continued as receiver.

Ohioans May Decide On United Tax Fight

COLUMBUS, Dec. 8.—Ohio exhibitors may yet put up a united front in their tax fight before the Legislature.

Moe Horwitz and George Erdmann, officers of the new organization of independents, attended the M. P. T. O.

(Continued on page 2)

Code Effective Without Any Stockholder Moves, Is Claim

Washington, Dec. 8.—Failure immediately to comply with the film code on the ground that approval of boards of directors or stockholders must be secured will not be acceptable to government officials, it was learned today.

Statements by industry leaders that they would have to go to their stockholders before they could operate under the code drew from Federal officials the declaration that the agreement is the law for the industry. In no instance, it was pointed out, does it make any difference whether stockholders approve a law or not—it is the law just the same. Members of the industry will be expected to comply immediately with all provisions of the code affecting their particular branch of the business.

Rosenblatt to Talk Upon the Code Here

Deputy NRA Administrator Sol A. Rosenblatt will discuss the code and answer all questions pertaining to any of its clauses at a meeting to be called for the benefit of local exhibitors by Charles L. O'Reilly, president of the T. O. C. C.

Date of the meeting will be set as soon as the code authority meets and organizes. This is expected to take place sometime next week. The local exhibitor session will be held at the Astor and members of the I. T. O. A. and Allied of New Jersey as well as other neighboring units will be invited to attend.

Memphis Hopes for One of Code Boards

MEMPHIS, Dec. 8.—Memphis is already bidding for one of the grievance boards to be set up under the code.

The town is full of grievances and so is the adjoining territory. Unless

(Continued on page 4)

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Bernhard, Hoffman Inspect Pittsburgh

PITTSBURGH, Dec. 8.—Joe Bernhard and I. J. Hoffman, Warner theatre heads, made a flying visit to Pittsburgh yesterday. They spent the day in conference with executives. In their wake followed rumors of policy changes.

It was learned that the Davis, downtown first run, which will be closed for the next two weeks, is to reopen definitely on Christmas Day. It was first reported that the Davis, due to a shortage of product, might remain closed indefinitely.

Eddie Moore, city manager at Johnstown, is to be made Main Line district manager, according to Harry Kalmine, succeeding Gilbert Josephson, who resigned two months ago.

Ohioans May Decide On United Tax Fight

(*Continued from page* 1)

convention here earlier this week and told M. P. T. O. members they were anxious to get together on a program. Similar sentiments have been expressed by Nat Charnas and Jack O'Connell of Toledo, N. J. Kirchbaum of Akron, and Ernest Schwartz, Henry Greeberger, Myer Fine, Harry Horwitz and Paul Gusdanovich of Cleveland.

P. J. Wood of the M. P. T. O. is willing, and it is expected a conference will be held within a few days.

J. H. Seidelman Ill

Joseph H. Seidelman, foreign general manager for Columbia, is confined to his home ill.

Publix Unit Receives Bid Of $1,800,000

(*Continued from page* 1)

in a position to pay off at approximately 32 cents on the dollar.

This figure is based on the total claims allowed to date, which aggregate $4,989,742. Allowing for expenses of $240,000 for administration of the bankrupt estate, which will be deducted from the sale price, there will remain $1,560,000 with which to pay off Publix Enterprises' creditors.

Total assets of the company listed for Dec. 21 sale include accounts receivable from Publix Enterprises' subsidiaries amounting to a normal book value of $17,199,276; stock holdings of 56,178 shares, representing the bankrupt's interest in 79 theatre subsidiaries; a present indeterminate interest in six new theatre corporations, which represent reorganizations of the former Publix Newport News, Publix Indiana, Publix South Bend, Southern Enterprises of Texas, M. A. Shea (Ohio), and A. H. Blank circuits. In addition, there are miscellaneous assets which include $47,818 in notes receivable and 1,066 shares in W. S. Butterfield Theatres, Inc., Michigan, and the Jacksonville Driving Club.

Subsidiaries Bankrupt

A number of the theatre subsidiaries of Publix Enterprises are currently involved in either bankruptcy or receivership, negating to a large extent the imposing total of assets listed for sale. An independent appraisal of the bankrupt's assets recently made for the U. S. District court here fixed their current value at approximately $2,000,000.

Total claims filed against Publix Enterprises by creditors aggregated $13,381,333. Of this amount, $972,660 have been disallowed by the referee and expunged; $592,327 were subsequently withdrawn by the claimants; $3,557,377 are in future rent claims under theatre leases held at the time of bankruptcy, and have been objected to by trustees for the bankrupt, with indications that all, or most, will not be allowed. In addition, reductions in original claims, amounting to $3,126,129, have been consented to by the claimants.

The reductions in original claims were consented to by Publix Theatres Corp., whose claim of $5,667,442 was reduced to $2,833,721; the trustees in bankruptcy of Paramount Publix Corp., whose claim of $1,056,500 was reduced to $792,375, and the joint claim of Commercial Investment Trust, Inc., and United States & Foreign Securities Corp., whose claim of $465,660 was reduced to $437,377. All of these consent reductions obtained by the trustee for Publix Enterprises will be passed on Dec. 21 by Referee Davis.

Offer Allows Some Claims

In view of the reductions made in these claims, it is anticipated that they will be allowed at the reduced figures. In addition, Famous Theatres' purchase offer allows 20 other claims aggregating $926,269. The total claims allowed under the Famous Theatres' offer, therefore, aggregate $4,206,571. It is regarded as extremely doubtful whether any other claims will be allowed, in addition to these. On this basis, Paramount Publix's claim would be paid off at approximately $250,000, and Publix Theatres' claim at approximately $925,000, with about $385,000 remaining for all other creditors' claims allowed.

Famous Theatres' offer involves the payment of $240,000 at the time of the sale, this amount to be used for the bankrupt's administration expenses. A further payment is provided for in the form of dividends on creditors' claims allowed under the offer, these dividends to be credited to Famous as part of the purchase price. The balance of the payment is to be by certified check to be held by Irving Trust Co., as trustee for Publix Enterprises, to be held in a special fund for 40 days, out of which payments, if any, will be made on claims allowed following the purchase.

Y. F. Freeman, former Publix accounting head, is president of Famous.

Wobber, Clark on Coast

HOLLYWOOD, Dec. 8.—Herman Wobber and John D. Clark are here on their swing of Fox exchanges in the Kent Drive. S. R. Kent arrived here yesterday for conferences with studio officials.

Warner Pfd. Up One on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26½	26	26¼	+ ⅝	900
Consolidated Film Industries, pfd	9	9	9	— ¼	100
Eastman Kodak	83¼	81¾	83	— ¼	1,600
Fox Film "A"	13¾	13¾	13¾	.....	200
Loew's, Inc.	32¾	30¾	31⅞	+1¾	9,500
Loew's, Inc., pfd	68	68	68	.....	1
Paramount Publix	1¾	1½	1½	— ⅛	1,100
Pathe Exchange	2⅛	1⅞	2	+ ⅛	3,400
Pathe Exchange "A"	13½	12	13½	+1	2,300
RKO	2¼	2	2	.....	400
Warner Bros.	6¼	5⅞	6	+ ¼	5,500
Warner Bros., pfd	19½	19¼	19½	+1	200

Trading Light on Curb

	High	Low	Close	Net Change	Sales
Technicolor	10¾	9½	9⅞	+ ⅜	2,700
Trans Lux	1⅞	1¾	1⅞	.. ..	100

Paramount Broadway Bonds Off 1⅛

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	3¼	3¼	— ¼	5
Keith B. F. 6s '46	47	46	47	.....	11
Loew's 6s '41, ww deb rights	81½	81	81	.....	29
Paramount Broadway 5½s '51	28⅞	28⅞	28⅞	+1⅛	3
Paramount F. L. 6s '47	25	24⅞	25	+ ½	9
Paramount Publix 5½s '50	25	24	24	.....	15
Pathe 7s '37, ww	81½	81½	81½	+ ½	5
Warner Bros. 6s '39, wd	41	40½	40½	+ ⅜	30

Court Delays On Radio City Lease Action

(*Continued from page* 1)

asserted that such business as has been done by "Little Women" at the Music Hall would "hurt subsequent runs 30 per cent." This, he said, would outweigh immediate profits from the $325,000 gross of the picture in its three weeks at the theatre.

"Only a sucker corporation," he asserted, "would run these houses under present terms." Reade offered RKO the use of the Earl Carroll, the Mayfair or any other of his houses here at a yearly rental of $75,000 in pointing out what he considered the "exorbitant" rental on the Radio City houses.

Herbert Colton of Reade's legal staff told Judge Bondy that, whereas the picture rental at the Music Hall was only 15 per cent of the gross, it would be possible for RKO to obtain 70 per cent on the gross over theatre operating expenses were the films now being booked into the house shown in other Broadway first runs.

Horace Lamb, representing the receivers, the Irving Trust Co., in arguing for acceptance of the leasing agreements, said that things were looking brighter for the houses. He asserted that September and October cash receipts, after operating expenses and working capital had been accounted for, showed a balance of $188,985. During the run of "Little Women," he added, conditions had taken a still better turn.

"The Music Hall," Lamb told the court, "is probably the most desirable theatre in the country, and it is necessary that it should continue to exploit RKO pictures, which would receive better exploitation there than elsewhere," adding that "there are indications there will be profits."

The new leasing agreement is for the period from Sept. 1 of this year to Aug. 31, 1934.

Bigger U. A. Studio Now Being Planned

(*Continued from page* 1)

were all making pictures at the same time, much of the work had to be divided between Metropolitan, Pathe and Educational studios, necessitating additional expense for transportation and indirect supervision of set construction.

Studio enlargement is said to be essential to meet the present demands of 20th Century, Sam Goldwyn and Reliance, and the forthcoming activities of Harold Lloyd, Mary Pickford and Howard Hughes.

Abramson Suit Settled

Mortimer Hayes, attorney for Ivan Abramson and the Graphic Film Co., said yesterday a settlement had been effected out of court on the $1,500,000 anti-trust suit brought by him against the Hays office and major producers.

Abramson and the Graphic company charged a conspiracy to put them out of business. The case had been pending for three years. Attorney Hayes declined to divulge the amount of the settlement, but said that it involved both cash and other considerations.

Greeted With

APPLAUSE

EASTMAN Background Negative is winning wide acclaim among the many producers and cameramen who have already discovered its possibilities. Its remarkably fine grain meets the prime requirement of background shots that are to be projected and rephotographed. Other qualities . . . particularly a surprising degree of speed . . . give it a potential versatility that may well lead to finer photography in other directions. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN

Background Negative

No Code Shift Pending Trial Is Looked For

(Continued from page 1)

ecutive order to which the industry takes exception, that is those paragraphs vesting the Administrator with wide powers to control the activities of the code authority, even to the extent of removing members who, in his opinion, may not be acting in a fair, impartial and just manner, are merely the safeguards of fair treatment carried in the Industrial Recovery Act itself, and here transferred bodily into the executive order governing the film industry.

Because of this fact, it was pointed out by General Johnson following the meeting, the President would be very reluctant to take any step which might be construed as lessening the recovery administration's authority over the industry when, because of the law itself, there would actually be no concession whatever. Furthermore, it was indicated, the code is just going into effect; it may radically change methods of operation in many branches of the industry; it contains many provisions requiring methods which are new and untried, and a fair opportunity should be given to gauge the workability of those clauses.

Points Out Recovery Act

Although there appears to be the impression among the leaders of the industry that the inclusion in the executive order of the three offending paragraphs constitutes a discrimination against their particular business, such is not the fact, according to recovery administration officials, who point for proof to the law itself.

Their answering argument hinges around Section 3, Sub-Division A of the National Industrial Recovery Act which reads: "The President may, as a condition of his approval of such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employes and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code as the President, in his discretion, deems necessary to effectuate the policy herein declared."

Additionally the following, which is a direct excerpt from Section 10, Sub-Division B, of the N.I.R.A. text, is pointed to as further evidence that the President merely has exercised his authority, vested in him under the law which bears on all industry alike: "The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this title; and each agreement, code of fair competition, or license, approved, prescribed, or issued under this title shall contain an express provision to that effect."

It is represented to be the viewpoint of the Administration that it does not follow that the self-regulation of the film industry under the code authority will be at all interfered with or interrupted, as the leaders of the business are known to feel, and that if this thought actually is in their minds they are in error in drawing such a conclusion.

The Administration fully understands the attitude assumed by the leaders of the business along these lines, but points out that the vetoing power aspects of all codes has been stressed time without end by General Johnson in the last few months.

Objections Are General

Practically all industries previously codified have more or less openly resented the check reins held over them by the Administration and, therefore, the reaction of the film industry is viewed here neither with surprise nor shock.

How the industry feels about the much-discussed executive order and what it wanted done about it was made clear through representations made by Hays as president of the M.P.P.D.A., J. Robert Rubin, vice-president of M-G-M, and George J. Schaefer, vice-president and general manager of Paramount.

As they arrived at the White House at 3:53 P.M. for their 4 o'clock conference with the President, their associates, a sizeable blue book of important industry names, remained behind at the Carlton for the results of the meeting. Here were either the presidents or ranking eastern executives of all the major companies, including Adolph Zukor, president of Paramount; Harry M. Warner, president of Warners; Nicholas M. Schenck, president of Loew's, Inc., and M-G-M; Joseph M. Schenck, president of United Artists and 20th Century; Jack Cohn, vice-president of Columbia, and R. H. Cochrane, vice-president of Universal.

The designated committee of three entered the portals of the executive offices at seven minutes before 4 o'clock and left at 5:15 o'clock. Probably they were closeted with the President for the better part of an hour. Deposited in a reception room, there preceded them, following a regular Friday press conference, Secretary of the Interior Ickes and Acting Secretary of State Phillips, who had appointments with the President.

Originally set for noon today, the conference was put back to 4 o'clock pending the return to Washington of Johnson following his speech in New York the previous evening.

In keeping with White House procedure, no statements were made at the conclusion of the conference. Hays, Rubin and Schaefer, as well as Johnson and Rosenblatt, referred all inquiries to the President, but from the Chief Executive, as was anticipated, there emerged nothing.

Tonight the entire delegation of important film men held a meeting with Rosenblatt. The anticipation close to midnight was that the group would remain over until Saturday for a possible second meeting with Johnson, but this time in the administrator's office in the Department of Commerce Building.

It was understood that the discussions subsequent to the White House conference had to do with code machinery and code authority, since, among those here, were four members of that body. These were Warner, Nicholas M. Schenck, Schaefer and Cochrane.

Coast Men Act on Code

HOLLYWOOD, Dec. 8.—Independent exhibitors of southern California at a meeting voted unanimously to make zoning and clearance retroactive when general zoning is set up under the code.

Memphis Hopes for One of Code Boards

(Continued from page 1)

one of the boards is established here, there is going to be an awful lot of traveling to the nearest one.

M. A. Lightman's difficulties with local union labor have dragged on for months, both parties hopeful that the code would show the way out of the dilemma. The question of admissions is also causing no end of argument, particularly between subsequent run houses and Loew.

Union contracts with every neighborhood theatre in the city except one will expire the first of the year, and there is every reason to believe that labor troubles will become general, unless there is some board with authority to meet the situation.

Md. MPTO Talks Code

BALTIMORE, Dec. 8.—Code operations were explained today at a meeting of the M. P. T. O. of Maryland by J. Louis Rome, chairman of its NRA committee. Frank A. Horning, president, presided. Harry Cluster represented the Independent Operators' and Managers' Ass'n. He said the terms of the code regarding operators' hours were agreeable to his members.

Hurley Back on Coast

HOLLYWOOD, Dec. 8.—Harold Hurley gets back in town Sunday from New York. Producer's first picture for Paramount will be "Sailor Beware."

Hurley was formerly in charge of production on all westerns, but at present the studio hasn't a single cowboy epic listed on the program.

Majestic's Strand Date

Warner's Strand has booked Majestic's "The Sin of Nora Moran," with Zita Johann and Allan Dinehart, to open Dec. 12. Special exploitation on the picture is planned by Majestic for its key city openings. Martin Mooney has been appointed to the exploitation staff being organized by Bert Ennis, Majestic ad manager.

Col. Signs Kiepura

BERLIN, Dec. 8.—Jan Kiepura has been signed to appear in two pictures for Columbia. He recently came here from the United States and is expected to return there shortly.

Savage with Amity

Jack Savage, formerly connected with Tiffany Pictures, is now head of the advertising department and chief of exploitation for Amity Pictures Corp.

Stahl Heading East

HOLLYWOOD, Dec. 8.—John M. Stahl is bound for New York in search of a colored girl light enough to pass for white for a role in Fanny Hurst's "Imitation of Life."

Borrows Madge Evans

HOLLYWOOD, Dec. 8.—Fox has borrowed Madge Evans from M-G-M for the lead opposite Warner Baxter in "Fox Movietone Follies."

N. O. Liberty Closed

NEW ORLEANS, Dec. 8.—The Liberty, operated by the Pokorny Estate, closed yesterday without notice.

Rosenberg New Head Of Northwest Allied

SEATTLE, Dec. 8.—Al Rosenberg of Evergreen Theatres was elected president of Allied Amusements of the Northwest at its annual meeting here today. Vice-presidents elected were A. Bishel, Spokane; William Riplay, Longview, and Le Roy Johnson, Seattle. James A. Hone was re-elected secretary-treasurer.

A wage committee was named to check to see that code provisions went into operations at once. The 1934 meeting will be held in October. It was decided to contact state representatives in an effort to have pending bills legalizing dog races and daylight saving killed.

Speaking at a luncheon, Mayor John Dore promised the members of the organization continued support of the industry, vigorous prosecution and conviction of bomb throwers.

The success of the Bowery Ball has prompted its sponsors to make the affair an annual event. Bob Murray, L. J. McGinley and Hone had charge of arrangements.

Scale Adjustments Awaited in Memphis

MEMPHIS, Dec. 8.—Prospects have brightened for a straightening out of the price situation here. Loew's State, where low prices have been a constant source of irritation to subsequent runs, has temporarily advanced the scale for "Dancing Lady" and has indicated it may make the boost permanent if neighborhood houses make some adjustments.

M. A. Lightman is in New York conferring with Col. E. A. Schiller of Loew's on the problem, and hopes to return with a definite agreement.

Other downtown first run houses have continued to maintain a higher level than Loew despite a shortage of product for their own screens.

Prices out in the territory seem to have been more or less stable as it is extremely difficult to advance admissions in the Memphis area so long as the major Loew houses here advertise their present rates in *The Commercial Appeal.*

M-G-M and Davies Sued Over a Song

A suit charging infringement and asking $100,000 damages, an injunction and an accounting of profits was filed in U. S. District court here yesterday against M-G-M, Marion Davies and the Robbins Music Corp., by Archie Sinclair, songwriter, who alleges that his ballad, "Land of My Heart's Desire," was infringed by the song, "Sweetheart, Darling," sung by Miss Davies in "Peg O' My Heart." Gus Kahn and Herbert Stothart are also named defendants.

Claire Trevor to East

HOLLYWOOD, Dec. 8.—Claire Trevor leaves for New York this week, having completed leading feminine roles in seven Fox pictures within the past year. The actress has just completed "Woman and the Law."

May to Leave for Coast

Joe May, German director recently signed by Columbia, leaves for the coast either tomorrow or Monday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 136 NEW YORK, MONDAY, DECEMBER 11, 1933 TEN CENTS

Self-Regulation Assured; Leaders Accept the Code

Para. Equity Receiver Cost Is $296,053

Hilles Seeking $30,000; Zukor, $23,047

The administration of Paramount Publix for the seven weeks of its equity receivership early this year was accomplished for $296,053, it is indicated in petitions for approval of payments totalling that amount submitted to Referee Henry K. Davis on Saturday.

Paramount Publix consented to a friendly equity receivership on Jan. 26 of this year, and applied for a voluntary petition in bankruptcy on March 14, which brought the equity receivership to a close. Expenses listed in the petition are those incurred only under the equity receivership.

Charles D. Hilles and Adolph Zukor were appointed equity receivers by the U. S. District Court. In the petition filed Saturday, Hilles asks $30,000 for his services as equity receiver, and Zukor, $23,047, of which

(*Continued on page 8*)

"Angel" in Frisco Grosses $103,700

San Francisco, Dec. 10.—"I'm No Angel" grossed $103,700 in its seven-week run here. It played the first two weeks at the Paramount. This was followed by five weeks at the Embassy, another Fox house, where it took $40,000 the first week, $25,000 the second, $10,000 the third, $9,200 the fourth, $8,100 the fifth, and $5,400 the sixth.

Halperin Gets New Indianapolis Post

I. M. Halperin, formerly general manager for Publix in Detroit, has succeeded Ace Berry, who recently resigned as city manager for Monarch Theatres in Indianapolis.

Present plans for the circuit call for an expansion after the first of the year, according to Milton Feld. The circuit now operates five houses.

Lang Ready to Open Television on Coast

Hollywood, Dec. 10.—Television plans under consideration for the past two years will become actuality soon at the Freeman Lang sound studios

(*Continued on page 8*)

Beck Advises More British Film Themes

Recent advances in quality and box-office performance of British product may be partially attributed to the flood of pictures of purely American themes which Hollywood delivered for English, and world, consumption earlier, James M. Beck, Jr., M.P.P. D.A. representative in England, said Saturday as he sailed for London after a protracted stay in New York.

He offered the opinion that American producers are permitting opportunity to pass them by in failing to give sufficient attention to the picture

(*Continued on page 7*)

Loew in Cleveland Goes to Dual Bills

Cleveland, Dec. 10.—Starting Friday Loew's State, ace first run downtown house, goes to double features, with "Should Ladies Behave?" and "Women in His Life" as the first program on this basis.

Prices remain the same. The announcement came as a surprise and does not indicate whether the policy is to be permanent or temporary. The only other Loew downtown house is also on a dual basis.

Repeal Stirs Speculation In Virginia

Richmond, Dec. 10.—What this state has in prospect as a result of prohibition's end is still uncertain, but theatre managers are still speculating about it. A special committee named by Governor John Garland Pollard is scheduled to report in January when the legislature convenes.

Seven of the 15 members of the Governor's committee have expressed themselves as opposed to a high tax. This is a liberalization of the traditionally dry attitude here, but whether it will mean saloons, cafes, or

(*Continued on page 6*)

Gluckman, Shapiro In Deal for Studio

Hollywood, Dec. 10.—Before their departure for New York the end of next week, Herman Gluckman, president, and William D. Shapiro, vice-president of Majestic, will have acquired an option on a Hollywood studio for exclusive use of the company. As a result, the balance of eight pictures on the present schedule will be made on a more elaborate scale.

(*Continued on page 8*)

Executive Order Stands, But Is Clarified by General Johnson

By RED KANN

Satisfied that an interpretation of the Executive Order made public in Washington at 5:45 P. M. on Saturday by General Hugh S. Johnson assures for the industry the self-regulation which they had sought at a White House interview the preceding day, leaders of the industry were at ease yesterday and satisfied with the code as it now stands.

Washington, Dec. 10.—General Hugh S. Johnson late yesterday made public a memorandum further interpreting the Executive Order which accompanied the industry code "as not creating any right of appeal from the determination of the Code Authority." He also made it clear he had had no idea of setting himself up as the judge in any court of review to pass on individual cases ruled upon by Code Authority and was prepared to abide generally by "the recommendation of at least a majority of the voting members of the entire Code Authority" on which members of the Hays organization have six votes—S. R. Kent, H. M. Warner, R. H. Cochrane, George J. Schaefer, M. H. Aylesworth and Nicholas M. Schenck.

Satisfied that the interpretation of the troublesome Executive Order, the text of which stands as originally signed by the President, gives to the industry the right of self-regulation, the presidents and ranking executives

(*Continued on page 6*)

Theatre Help Lining Up Behind a New Union Here

Organizing of theatre janitors, doormen, ushers, ticket takers, ticket sellers and scrubwomen in Greater New York has been progressing secretly for several weeks with the result that their new labor organization now numbers more than 1,000 members, Motion Picture Daily learned authoritatively on Saturday.

The organization is known as the Building Service Employes' Union, Local 118. Its business organization is the Theatre & Amusement Employes' Union of N. Y., with headquarters at 550 Atlantic Ave., Brooklyn. Charles C. Levy is secretary-treasurer of the local, which is affiliated with the A. F. of L.

A quota of 20,000 members has been set by the local for the Greater New York area and the best organizers of the union's international are being concentrated here to realize that quota, under direction of Jerry Horan, international president.

With the inception of the organization, New York theatres become completely "closed shop," membership in the new local taking in every remaining classification of theatre employes not already organized.

(*Continued on page 6*)

Coast Production Holds Steady Pace

Hollywood, Dec. 10.—Production activity on the coast for the week ending Dec. 9 maintained about the same pace as the preceding week insofar as features were concerned, but there was a noticeable increase in short subject activity over the preceding week. Taking both groups into consideration, production as a whole is far below the level maintained during August, September and October when the

(*Continued on page 7*)

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Warner Meeting Today

WILMINGTON, Dec. 10.—The annual stockholders' meeting of Warner Brothers' Pictures, Inc., will be held at the offices of the Corporation Trust Co. here on Monday.

LeRoy Starts for East

HOLLYWOOD, Dec 10. — Mervyn LeRoy leaves Hollywood tonight on the Chief for New York, where he plans to wed Doris Warner on Jan. 2.

'Black Dawn' to DuWorld

DuWorld Pictures, Inc., recently organized, has acquired "Black Dawn," directed by Josef Berne, for world distribution. Early release is planned.

Robbins Due Dec. 18

Herman Robbins, president of National Screen Service, arrives from the coast on Dec. 18.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Convention City"

(First National)

HOLLYWOOD, Dec. 10.—"Convention City" in its preview state, judged by the laughter response, may be rated as a successful comedy.

Story is topical, reflecting the humorous activities transpiring at any commercial convention. Plot is light.

Joan Blondell, Adolphe Menjou, Dick Powell, Mary Astor, Guy Kibbee, Frank McHugh, Ruth Donnelly, Patricia Ellis, Hugh Herbert, Hobart Cavanaugh, Sheila Terry, Grant Mitchell and Huey White, going from straight dramatic and romantic roles into sheer comedy, make a noticeable departure to which audiences should react favorably. No one player commands individual attention, as the situations give each an equal chance to parade through his part with the exception of Hugh Herbert, who asserts himself at the climax with a commendable piece of acting.

Every convention has at least one funny story to be remembered by the conventioneers and this picture covers them all. There are down-to-earth incidents that will refresh the memory of anyone who ever attended a convention and a revelation to the wives, daughters and some who never have.

Much credit is due Peter Milne for conceiving the story; to Robert Lord for adapting and to Archie Mayo for expert comedy direction. It affords unlimited exploitation to attract first nighters, who should do the word-of-mouth to keep them coming.

Looking 'Em Over

"Alice in Wonderland"

(Paramount)

Lewis Carroll's fairyland yarn has been woven to the screen by Paramount and measures up as wholesome and pleasing entertainment, particularly designed for children and mothers. Charlotte Henry is charming in the role of Alice and has possibilities of developing into star material. She is good-looking and photographs well and undoubtedly will establish a long list of followers as a result of her work here.

Supporting the Brooklyn girl is a stellar cast including Gary Cooper, Cary Grant, Charles Ruggles, Louise Fazenda, Raymond Hatton, Richard Arlen, W. C. Fields, Polly Moran, Edward Everett Horton, Ned Sparks, Jack Oakie and numerous others. All with the exception of Alice are masked.

Falling asleep after she has been ordered to stay indoors by the governess because of the snow, Alice dreams of walking through the mirror and into a room of unusual things. From this room she enters the garden of make believe and there meets a number of spectacular creatures, some to entertain her and others to frighten her. It is well produced and there are several effective trick shots.

(Continude on page 8)

Universal Pfd. Drops One Point

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26¼	26	26¼	.....	400
Consolidated Film Industries, pfd	9⅜	9⅞	9⅜	+ ⅜	200
Eastman Kodak	83½	83	83½	+ ½	200
Fox Film "A"	14	13⅝	14	+ ¼	300
Loew's, Inc.	32¾	31¾	32¾	+ ⅞	4,500
Loew's Inc., pfd	71	70½	71	+3	200
Pathe Exchange	2⅛	2⅛	2⅛	+ ⅛	600
Pathe Exchange "A"	13¾	13¼	13¾	+ ¼	2,000
RKO	2⅛	2	2⅛	+ ⅛	200
Universal Pictures, pfd	16	16	16	—1	10
Warner Bros.	6¼	5⅞	6¼	+ ¼	700

Technicolor Only Curb Issue

	High	Low	Close	Net Change	Sales
Technicolor	9⅞	9⅞	9⅞	.....	500

Paramount F. L. Bonds Gain One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3	3	3	.....	3
Loew's 6s 41 ww deb rights	81	80½	80½	— ½	5
Paramount Broadway 5½s '51	29	29	29	+ ⅛	2
Paramount F. L. 6s '47	26	25½	26	+1	5
Paramount Publix 5½s '50	26	25½	26	+ ⅞	2
Warner Bros. 6s '39, wd	41	40¼	41	+ ½	14

Purely Personal

ALEXANDER LEFTWITCH, director, who recently returned from Hollywood, will undergo an operation to remove a cataract from his right eye. The director injured his eye as he was closing the door of his home in Hollywood and was forced to get treatment in Chicago when enroute to New York.

JOHN C. FLINN returns today from the coast. TOM BAILEY, Paramount coast publicity head, heads south today on the advance campaign for CHARLOTTE HENRY.

KETTI GALLIAN, French actress, is on her way to America on the *Ile de France*. She will appear in Fox's "Marie Galante."

CECIL B. DEMILLE is on his way east. After a stopover in Washington he will come to New York to look over plays and talent.

ETHEL MERMAN left for the coast yesterday to start work in BING CROSBY's "We're Not Dressing" for Paramount.

MILT KUSELL returns today from Boston where he has been conferring with Paramount salesmen on the Victory Drive.

CLEMENCE DANE, author of "A Bill of Divorcement," has arrived in New York to assist in the staging of a play.

JOHNNY MARVIN, tenor, is at the 7th Ave. Roxy for a week's engagement. He's an NBC star.

RUDY VALLEE, who will be in Fox's edition of the "Scandals," is off for the coast.

MANNY REINER, formerly with Warners, has joined the M-G-M ad department at the home office.

AL FRIEDLANDER is in Boston on "The Road to Ruin" for First Division.

JONES & HARE end their radio broadcasts at the 7th Ave. Roxy on Dec. 29.

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. . . as a book
A BEST SELLER

. . . as a picture
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Taken from the Novel by CORNELL WOOLRICH

Directed by Leonard Fields

Screen play by Leonard Fields and David Silverstein

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ANOTHER MONEY-MAKER FROM MONOGRAM

CURRENT HITS: **"SWEETHEART OF SIGMA CHI" • "BROKEN DREAMS"**
"HE COULDN'T TAKE IT" • "WOMAN'S MAN"

GENTLEMEN

with BEBE

DANIELS

DORIS KENYON

Onslow Stevens, Melvyn Douglas, Isabel Jewel, Thelma Todd, Mayo Methot. From the sensational stage success by ELMER RICE. Produced by Carl Laemmle, Jr. Directed by WILLIAM WYLER. Presented by Carl Laemmle. Another big one from

UNIVERSAL

John

COUNSELL

OF THE PRESS,

I Thank You!

N. Y. Daily Mirror:

"A stunner ... Elmer Rice's recent Broadway hit has been made into a film drama of unusual strength and brilliance ... Barrymore does his greatest work as 'Counsellor at Law,' and Bebe Daniels is a delightful foil for him."

N. Y. American:

"Another hit for the Music Hall!... It comes to the screen a vivid, well-played piece, in which tense drama is punctuated by lines of laughter."

N. Y. Daily News:

(3 stars) "Elmer Rice's play faithfully filmed ... Barrymore performance convincing ... William Wyler, who directed, keeps the action moving spiritedly."

N. Y. Herald-Tribune:

"Barrymore is admirable in his role ... 'Counsellor at Law' is a striking, intelligent and invariable interesting motion picture—another in that series of superior works being presented at Radio City Music Hall."

N. Y. Times:

"Incisive and compelling ... moves along with lusty energy, the scenes being so complete that none of them seems a fraction of a minute too long ... Mr. Barrymore gives to it the vigor, imagination and authority one might expect."

N. Y. Journal:

"Elmer Rice's silver-tongued attorney is impersonated by John Barrymore, who has in the play a highly entertaining vehicle for his brilliant talents ... Smartly cast and directed ... moves fast and vigorously."

N. Y. World-Telegram:

"Mr. Barrymore appears here in a part which falls so perfectly into line with his ability as a sterling actor that it might very well have been written for him originally."

N. Y. Sun:

"'Counsellor at Law' the daddy of them all (Lawyers' films) ... Unquestionably the best written lawyer play of the modern era in this country."

Barrymore

OR AT LAW

Code Cleared and Accepted By Executives

(Continued from page 1)

of the big companies returned to New York at 6 o'clock tonight in the opinion their mission had been crowned with success.

The committee of three, composed of Will H. Hays, J. Robert Rubin and George J. Schaefer, which conferred with President Roosevelt on Friday is understood to have found the Chief Executive very friendly and very cordial. It is assumed the group explained the doubts in the minds of major company executives over their ability to control their own industry under the Executive Order as issued. General Johnson is said to have expressed willingness to discuss it further, first turning over the committee to Deputy Administrator Sol A. Rosenblatt as the one NRA official more directly familiar with the industry and its problems.

Night Conference Held

This led to a night conference Friday night at the Carlton Hotel at which a formula for clarifying the Executive Order was discussed. A second appointment, set with General Johnson for 10 o'clock Saturday morning, failed to develop until late afternoon. This made it necessary for the entire group to remain over except Jack Cohn, of Columbia, who left about 2 o'clock and Joseph M. Schenck, of United Artists, who returned to New York Friday night preparatory to sailing Saturday morning on the *Rex*.

Following a conference in which Hays, Rubin, Schaefer and Nicholas M. Schenck represented the major companies and Johnson, Rosenblatt and Donald R. Richberg, the latter general counsel for the NRA, represented the government, the clarifying memorandum was released. At the same time, Hays issued the following statement:

"The result of the conferences is evidenced by General Johnson's memorandum. These conferences were cordial and the conclusion is very satisfactory."

In an interview immediately thereafter, Johnson explained it was never in his mind to set himself up as a board of appeal or to sit in review on all cases that might develop. "I'd need a building as big as this one to do it. As a matter of fact, I was surprised to learn this was all there was to this situation."

The Administrator said the industry had granted some concessions which the NRA could not have imposed and cited how the major companies had explained to him they had gone outside the rights of contracts in consenting to the operation of grievance boards; how they felt that, having done this, the concession might be an empty one if individual cases were to be subject to review by the Administrator.

Johnson Issues Statement

It was a desire to disabuse this impression which, therefore, led to the Johnson's memorandum, the text of which follows:

"The Administrator construes numbered paragraphs 1, 2 and 3 of the Executive Order of the President on the Motion Picture Industry Code as not creating any right of appeal from the determination of the Code Authority under Article II, Section 4, Article II, Section 10 (a), Article V, Division *D*, Part 9, and Article VI, or in any sense creating the Administrator as a Court of Review of the action of these Boards or the Code Authority in individual cases. These paragraphs refer to the right of the Administrator to inquire into the general course of conduct of the mechanism of the Code.

"The Administrator will exercise his discretion under paragraphs 2 or 3 of the conditions incorporated in the Executive Order in accordance with the recommendation of at least a majority of the voting members of the entire Code Authority and the successor of any person removed under the condition in said paragraph 2 shall be appointed in the manner provided in Article II, Section 2, Subdivision (f) of the Code.

"The provisions of Section 5 of the Executive Order are interpreted to include only such writers, authors and dramatists as are not employed for stated periods by producers. All writers, authors and dramatists employed by producers for stated periods shall be included under Section 6 of the said Executive Order.

"It is recognied that, based on the foregoing construction of the exercise of the Administrator's authority conferred upon him in the said Executive Order, the signatory producers and distributors have given their consent to the Code as approved.

Hugh S. Johnson,
Administrator.

Second of the government's representatives on Code Authority will be announced by the deputy himself and confirmed by the Administrator. The third and last appointee will be named shortly.

Code Authority is scheduled for its first meeting in New York sometime this week, according to current plans. The date, however, has not been set.

Ready for January

Having completed 24 roadshow engagements, "Dinner at Eight" will be released nationally by M-G-M about Jan. 1.

Theatre Help Lining Up Behind a New Union Here

(Continued from page 1)

The new local's first public move is scheduled for today, when its leaders will enter a complaint with the NRA Compliance Board here, based on the charge that Johannes Wittberg, formerly head janitor at Skouras's Academy of Music, was dismissed Dec. 6 after becoming a member of the local. Skouras representatives declare that Wittberg was dismissed for incompetency, but the labor local has in its possession sworn affidavits from 13 men who worked under Wittberg alleging that they were told by an assistant manager of the theatre that Wittberg had been dismissed for joining a union and had been warned that they would also be dismissed if they followed his lead.

The affidavits will be submitted to the NRA Compliance Board today with a demand that Wittberg be reinstated. Possibilities of a strike which, the local's representatives assert, would result in closing every major theatre in Greater New York, were admitted in the event Wittberg is unjustly kept from work.

The new union is known to have a large representation among employes of the Music Hall and Roxy, the Capitol, Madison Square Garden and other large mid-town amusement centers. Its first public demonstration of strength is scheduled for early January, when a massmeeting of its membership will be held. At this time, members are slated to draft new wage schedules for the classifications of employes involved, which, it is predicted, will call for increases.

The local is affiliated with the international organization which is already established in Chicago, San Francisco, Seattle, St. Louis and other large cities. Theatre janitors who are members of the organization's Chicago local are paid $40 per week, which is almost double the scale in force here, it is said.

Phila. Musicians to Split Up Jobs Soon

PHILADELPHIA, Dec. 10. — Local musicians have begun to work out plans under the ruling of Joseph Weber, head of the American Federation of Musicians, whereby each employed musician gives one week employment out of four to unemployed men.

Agitating local musical circles is the report that the Fox, which augmented its orchestra from 17 to 34 members two months ago, will return to its former status.

Two Runs for "Henry"

CINCINNATI, Dec. 10.—For the first time locally, a picture is being simultaneously shown as a second run at a downtown and suburban house. "The Private Life of Henry VIII," after a two weeks' showing at the RKO Lyric, is currently playing the Mayfair, independent downtown, operated by Morris Segal, president Majestic Pictures of Ohio, and also is playing the Forest, a unit in the Levy chain of suburbans.

Loew's Ohio Tries Shows

COLUMBUS, Dec. 10.—Loew's Ohio, after a prolonged policy of straight pictures, swings into the stage show column this week, with Kate Smith and her revue as the initial attraction. Price scale has been upped to 31 cents until 1 P.M., with a matinee rate of 40 cents for all seats. Night tariff is 40 and 50 cents for balcony and lower floor, respectively, all prices being plus the 10 per cent state tax.

Lubitsch to Do "Widow"

HOLLYWOOD, Dec. 10.—Ernst Lubitsch will direct "The Merry Widow" for M-G-M. Production gets under way upon Maurice Chevalier's return from abroad at the turn of the year.

Columbia Borrows Kober

HOLLYWOOD, Dec. 10. — Arthur Kober has been borrowed from M-G-M to prepare the adaptation on "Twentieth Century" for Columbia.

Repeal Stirs Speculation In Virginia

(Continued from page 1)

some modified form of sale is still to be determined.

Elmer H. Briant, Loew manager, sees little effect in sight on theatre receipts. Walter J. Coulter takes about the same attitude.

"Business generally must pick up," Coulter says, "before theatres will be helped. Receipts are about 25 per cent under those of last year at this time. Return of beer helped stimulate business for a time, but the effect was soon lost."

Others see no prospective benefits, but in the same breath declare they expect no detrimental effects.

Florida to Continue Prohibition to 1935

TAMPA, Dec. 10.—Repeal will have no effect upon Florida, as this state has its own constitutional amendment prohibiting the sale of liquor. This law cannot be repealed until after the next meeting of the legislature in 1935, when a bill will probably be passed and then put up to the voters to ratify.

The sale of 3.2 beer was legalized in the state last spring and Tampa exhibitors believed it would help theatre attendance by aiding employment. Suds are now on sale pretty much everywhere in the state and it has been a good thing in the way of revenue, but, according to Tampa exhibitors, it has had little, if any, effect on theatre attendance.

Thalberg Gets Started

HOLLYWOOD, Dec. 10.—With "Rip Tide" finally getting under way as Irving Thalberg's first production under his new M-G-M arrangement, Norma Shearer appeared before the camera for the first time in more than a year.

The current film is Miss Shearer's first screen effort since "Smilin' Through" and is being directed by Edmund Goulding. Robert Montgomery and Herbert Marshall share male leads opposite the star.

Film Men Aid Van Osten

SAN FRANCISCO, Dec. 10.—Twenty men from exchanges and theatres have volunteered for a blood transfusion to Thomas D. Van Osten, secretary of the California Theatre Ass'n. Van Osten has been ill for several months and is under treatment at a local hospital. When a call for volunteers was issued the response was immediate. However, none of the donors of blood were acceptable and the transfusion was made through a professional donor.

Warner Ball Jan. 20

The Warner Club will hold its fifth annual banquet and ball at the Waldorf-Astoria on Jan. 20. Arrangements are being handled by Al Schwalberg, president, and Harold Rodner, managing director of the club. Stage, screen and radio talent is being lined up for the event by Steve Trilling, vice-president of the club.

Beck Advises More British Film Themes

(Continued from page 1)

possibilities of the British national scene, at least in proper proportion to the number of pictures which are exclusively "American" in content.

Making note of the "intensely national" feeling of the British people which, he said, offers a waiting market for entertainment that recognizes it, Beck finds that recent British product is taking full advantage of national characteristics, whereas much of the current Hollywood output is not. He also observed that British producers' recognition of home requirements had not proved a handicap in marketing their pictures in America. If anything, their pictures are constantly finding more favor here than ever before, he believes, and views the record as a demonstration that Hollywood can better serve the British market without loss of patronage at home.

"The strong national feeling of the British people is awakened to its fullest extent by an over-supply of Hollywood product which is based upon, and mirrors, the purely American scene," Beck said. "It immediately suggests to the British audience the picture possibilities of their own country. That the British scene can be as acceptable picture material to American audiences as it is to British, appears to have been demonstrated by the product recently brought over here from England. This would also suggest," he added, "that pictures presenting British life are equally acceptable here as they are in England."

He cited "The Invisible Man" as a current example of the type of American picture which finds favor in England. "The Thief of Bagdad" and "Beau Geste" likewise had the international elements of entertainment which have a waiting market in British audiences, he said.

"It occurs to me that American producers may be missing some good bets in not examining carefully enough the picture possibilities of British history and life," Beck said. "The elements of drama are there and, properly presented, they can be as acceptable to American audiences as they would surely be to the important British market."

Halt "Viva Villa" To Fill Tracy Role

HOLLYWOOD, Dec. 10.—Production on "Viva Villa" has temporarily reached a halt at M-G-M, the studio having hit a snag in the selection of a leading man for the role recently vacated by Lee Tracy.

The studio denied reports that Robert Montgomery had been cinched for the part. The actor is currently working in another picture.

First Division Moving

First Division will move its headquarters from 1600 Broadway to the RKO Building in Radio City during Christmas week.

Coast Production Holds Steady Pace

(Continued from page 1)

average was around 48 features and 15 shorts.

This week's summary of production shows a total of 34 features and 12 shorts in work, 27 features and 14 shorts in final stages of preparation scheduled to start within the next two weeks, and a total of 55 features and 23 shorts in the cutting rooms. The number of pictures in the cutting rooms indicates actual production of new pictures will be slow in getting under way until the cutting rooms are relieved.

Warners seem to be the most active in actual shooting with eight features in work, three preparing and three cutting. M-G-M follows with seven in work, two preparing and 11 cutting. Fox has five, five and four; Paramount, five, one and six; Columbia, four, two and three; United Artists, zero, one and six; Universal, zero, zero and seven; Radio, zero, six and nine; independent group, five, seven and six.

Short subject reports show M-G-M with two in work, two preparing and three cutting; Roach, one, three and four; Universal, zero, zero and two; Columbia, one, three and two; Radio, one, one and four; independent group, seven, five and eight.

Jersey Allied Will Fight Ticket Taxes

New Jersey Allied intends to start a campaign for repeal of the Federal ticket tax at the coming session of Congress, according to Sidney Samuelson.

Samuelson says the Federal tax was one of the biggest reasons for the reduction of admission scales and has been an encouragement to states to impose similar taxes.

Books Adv. Feature

PHILADELPHIA, Dec. 10.—The Locust Street, controlled by A. R. Boyd, manager of the Fox, went commercial Saturday with the booking of "These Thirty Years," feature film sponsored by the Ford Automobile Co.

Film, with fiction background, traces the development of the motor car industry, and is said to have plenty of plugs for the Ford product.

Al Isaacson Passes

DETROIT, Dec. 10.—Al Isaacson, former salesman for the National Theatre Supply Co., in Detroit and St. Louis, died here after an illness of more than a year. Services were conducted by the Masonic order.

Superior Sells Two

Superior Talking Pictures, Inc., has sold its Buffalo Bill, Jr., and Buddy Roosevelt series in 14 territories, including greater New York, New England, the South, the Middlewest and the Philippine Islands.

Amity Adds Another

Amity Pictures Corp. has purchased the novelty one-reel "Out West Where the North Begins," to add to its list of short subjects.

HAVE YOU A JOB OPEN?

THEN YOU NEED ONE OF THESE EXPERIENCED MEN

Publicity man for stage units

Handled such shows as RIO RITA and SCANDALS. Former publicity director Allen Theatre, Cleveland. Five years' experience in press department of two major motion picture companies, including position of publicity supervisor for group of forty theatres in Florida. Put him to work — he'll prove his stuff.

Expert on pressbooks

A top-notch copy writer and lay-out man, ten years' experience on pressbooks, sales promotion ideas, pamphlets and general advertising compaigns. Well known as magazine and newspaper feature story writer.

Handled foreign publicity for thirteen years

Former City Editor of the "Register and Leader," Des Moines. Then for thirteen years director foreign publicity and advertising for one of our major companies. Handled publicity for the motion picture industry on the Liberty Loan drive and is now free lance contributor to many leading magazines. He's a sure-fire bet. Just try him.

Exploitation Advance man

Has been head of some of New York's biggest theatrical attractions, including Theatre Guild shows. Hard plugger who'll always grab off space in the newspapers regardless of what city you will send him to. Pleasing personality and well liked by motion picture critics in many cities.

The accomplishments of the above four men are listed as a guide to those employers who are in the market for GOOD men who will deliver GOOD work.

These men are no weak sisters. They are experienced in their line and are qualified to deliver better than full value for the salary you will pay them.

We have purposely refrained from mentioning their names, but if you will communicate with either of the three members of the Service Committee of the A. M. P. A. listed below, they will have these men contact you at your convenience.

Ray Gallagher
MOTION PICTURE HERALD
1790 Broadway, N. Y. C.

Marvin Kirsch
FILM DAILY
1650 Broadway
New York City

Monroe W. Greenthal
UNITED ARTISTS CORP.
729 7th Avenue
New York City

ASSOCIATED MOTION PICTURE ADVERTISERS, Inc.

THIS IS THE FIRST OF A SERIES OF SIMILAR ADS. DESCRIBING THE QUALIFICATIONS OF OUTSTANDING MEN FOR WHOM THE A. M. P. A. IS DESIROUS OF SECURING EMPLOYMENT.

Para. Equity Receiver Cost Is $296,053

(Continued from page 1)

$4,502 has already been received from Paramount subsidiaries, the petition notes. Payment of expenses incurred by the equity receivers, who were also ancillary receivers for the company in California and Illinois, amounting to $59,784, is asked. Homer Albers, ancillary receiver for the company in Massachusetts, asks $1,014 for services and expenses.

The remainder of the expenses, aggregating $189,805, are in attorneys' fees. The petition of Root, Clark, Buckner & Ballantyne, attorneys for the equity receivers, asks $125,000; that of Rosenberg, Goldmark & Colin, attorneys for Paramount, $30,253; Cravath, De Gersdorff, Swaine & Wood, $15,409; O'Melvany, Tuller & Myers, Los Angeles, $15,100, and Donovan & Raichle, New York, $5,246.

The remainder involved additional legal expenses in the following amounts: $1,590 (Chicago), $1,665 (Boston), $788 (Hartford), $250 (New Jersey), $1,000 (California), $2,401 (Ohio), $1,103 (Texas).

Examination and consideration of the claims is scheduled to take place at a meeting of Paramount Publix creditors before Referee Davis, Dec. 18, prior to submission of the petition to the U. S. District Court here for final action.

Gluckman, Shapiro In Deal for Studio

(Continued from page 1)

The first under the new setup will be "Husband Hunters," with Sophie Tucker. Jack Yellen is writing the music. The two executives are negotiating with several producers to take charge of production. Lou Sarecky is mentioned as the most likely choice. Phil Goldstone, who is ill, is bowing out after making four.

Lang Ready to Open Television on Coast

(Continued from page 1)

here which have been producing electrical transcriptions for years. The idea is to run off on film one episode of each transcription for the sake of the action. In this manner it is expected that a radio sponsor will be able to see how his act looks. He may then spot the film as well as the transcription on television stations throughout the country.

Bebe Daniels in "Nurse"

HOLLYWOOD, Dec. 10.—Bebe Daniels gets the feminine lead in "Registered Nurse" at Warners. The picture will go into production within the next two weeks with Lyle Talbot playing the male lead and Robert Florey directing.

Miss Rogers to Warners

HOLLYWOOD, Dec. 10. — Warners have borrowed Ginger Rogers from Radio for the feminine lead with Dick Powell and Pat O'Brien in "Radio Romance."

Looking 'Em Over

(Continued from page 2)

"The Women in His Life"

(M-G-M)

An entertaining portrayal of a criminal lawyer who has his ups and downs in love affairs, with Otto Kruger as the legal light involved. Kruger does an interesting job with his assignment and is supported by Una Merkel, Ben Lyon, Isabel Jewel, Roscoe Karns, Irene Hervey, C. Henry Gordon, Irene Franklin, Samuel S. Hinds, Raymond Hatton and others. George B. Seitz directed.

Left by his wife for another man, Kruger plays around with other women, including Miss Jewel, who really cares for him. He courts her but doesn't take the affair seriously, still hoping his wife will return to him. He promises to aid Miss Hervey, whose father has been accused of murdering his wife, but walks out on the deal when Miss Jewel insists they go away together for a rest. The case is tried by Lyon, his junior partner, and he loses it. When Kruger returns he learns the woman murdered was his wife. He goes to the grave in a bitter storm, catches pneumonia, but recovers sufficiently to take an active part in an appeal for Miss Hervey's father.

Checking into the life of his wife, he finds Gordon had been paying her attention and through a ruse gets the racketeer into his apartment for a confession which turns out to be a life-saver for Hinds. With this out of the way, Kruger marries Miss Jewel, Lyon and Miss Hervey decide to do the same thing, and Karns and Miss Merkel agree to follow suit.

"Love Waltz"

(Ufa)

One of the last, if not the final, pictures Lilian Harvey appeared in for Ufa. The photography, compared to her recent American pictures, does not do her justice. There is some scintillating music, which is one of the few redeeming features of the picture. Georg Alexander looks like a find and it is surprising that he has not yet been brought over by American producers. Erich Pommer produced and Wilhelm Thiele directed.

The story starts at the Fould Motor Works in America and then switches to Lowenberg, where the hero, impersonating his master by command, becomes engaged to Miss Harvey, a princess, and later involved in a marriage that eventually turns out to be a real love affair.

Done on a pretentious scale,. it is drawn out needlessly and fails to develop into "A" entertainment. It is probably better suited for neighborhood houses, particularly those among German residents. John Batten and Hans Junkerman also play important roles. Very little of the dialogue is in German.

Denver Tips "Dancing" to Big $15,000

DENVER, Dec. 10.—"Dancing Lady" at $15,000 easily copped top spot among first run films, packing the Orpheum several days, and doing strong business other times. The overflow was so big Saturday night the box-office was closed from 8 to 9:30, and on Sunday night the crowds were not seated until after 10 o'clock. New house records were set for both Saturday and Sunday, and the opening day was just a few dollars short of the record since the return of stage shows.

All other first runs, with the exception of the Paramount, were below average for the week. "The Prizefighter and the Lady" proved disappointing, this being Max Baer's home state. The overflow from the Orpheum passed it up and went across the street to the Paramount, where the admission was a dime less. "Cradle Song" was yanked after three and one-half days.

Total first run business was $31,000. Average is $30,500.

Estimated takings for the week ending Nov. 30:

"EVER IN MY HEART" (Warners)
ALADDIN—(1,500) 25c-40c-50c, 7 days. **Gross:** $3,000. (Average, $3,500.)

"CRADLE SONG" (Para.)
DENHAM—(1,500), 25c-30c-40c, 3½ days. **Gross:** $2,250.

"GOLDEN HARVEST" (Para.)
DENHAM—(1,500), 25c-30c-40c, 3½ days. **Gross:** $2,750. (Average for week, $7,500.)

"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $6,000.)

"DANCING LADY" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show. **Gross:** $15,000. (Average, $10,000.)

"THIS MAD GAME" (Fox)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $1,500.

"HAVANA WIDOWS" (Warners)
PARAMOUNT—(2,000), 25c-35c-40c,4 days. **Gross:** $2,500. (Average for a week, $3,500.)

Jolsons to Come East

HOLLYWOOD, Dec. 10.—Mr. and Mrs. Al Jolson plan to leave Hollywood the latter part of this week for New York to spend the holidays.

Jolson's current picture for Warners, "Wonder Bar," has been completed with the exception of two special numbers which will have three weeks' rehearsals with Busby Berkeley directing before they are ready to shoot. He will return immediately after Christmas to sing with the numbers.

Lou Holtz on Coast

HOLLYWOOD, Dec. 10.—Lou Holtz, stage and radio comedian, has arrived from New York to appear in a series of shorts at Columbia.

Holtz was accompanied by his one and only stooge, H. Leopold Shawolsky.

Warners Close Two

MANSFIELD, O., Dec. 10.—The Majestic, second run Warner house, has been shuttered. Likewise, Warners' State, at Lima.

Seadler in Miami

Si Seadler of M-G-M has flown to Miami for a week's vacation.

SIN—Can It Ever Be Right? Can It Ever Be Forgiven—Must It Always Be Punished?

WHOSE SIN?

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 137 NEW YORK, TUESDAY, DECEMBER 12, 1933 TEN CENTS

Asserts Loew And Fox Back In Chase Fold

Court Told Stock Sale Will So Result

An absence of bidders for the 660,900 shares of stock of Loew's, Inc., which holders of $20,000,000 of defaulted notes of Film Securities Corp. are seeking to foreclose on, is viewed as returning control of Fox Film, Loew's and M-G-M to a single interest, thereby nullifying the results originally obtained by setting up Film Securities Corp. to end control of Loew's by Fox, Federal Judge John Knox was told yesterday.

At a hearing to pass on the proposed sale of the block of Loew's stock at public auction, scheduled to take place today, Saul E. Rogers, attorney for Harley L. Clarke, who holds 800,000 shares of General Theatres Equipment stock, pointed out to the court that the absence of known bidders for the Loew's securities indicated that the

(*Continued on page 3*)

Rosenblatt May Be Chairman of "C.A."

With his appointment as second government representative on code authority, Deputy Administrator Sol A. Rosenblatt is viewed by local exhibitor leaders as chairman of the body as well. Lawrence A. Lowell was the first government appointee and the third will be named before the initial session of the group is called.

When the code authority meets the first step will be to elect a chairman.

(*Continued on page 7*)

Poli Gets Started; Blumenthal Is Head

With the election of A. C. Blumenthal as president and S. Z. Poli as treasurer, Poli-New England is now in full charge of Poli, who is operat-

(*Continued on page 3*)

Double Check

Eddie Golden, general sales manager, is now making a tour of Detroit, Cleveland, Milwaukee and Chicago territories.

Purpose is to check up on Red Kann's survey on conditions throughout the Middle West, says Ray Johnston.

The Code—Up to Now

By MARTIN QUIGLEY

REFERRING to an article published in a recent issue of MOTION PICTURE DAILY, Mr. Sol A. Rosenblatt, deputy administrator, in an address before a group of Philadelphia territory exhibitors, declared:

"No one is entitled to criticize the code until it has been tested in actual operation."

To Mr. Rosenblatt's declaration we take decided exception for a number of reasons, among which is the fact that we are not aware that the National Industrial Recovery Act makes any provision for a suspension of the freedom of the press.

We wish to remind Mr. Rosenblatt that during the several months of hectic negotiations leading up to the formulation of a Code of Fair Practice for the Motion Picture Industry this publication and its colleague, *Motion Picture Herald*, scrupulously refrained from assuming a critical viewpoint, despite the incentive to do so afforded on the many occasions when the negotiations wandered along absurd and ridiculous by-paths.

These publications, although finding very little to be enthusiastic about, did, in fact, seek in all practical ways to lend enthusiastic cooperation. They refrained, for instance, from comment on various blatant public assertions of General Hugh S. Johnson, although many of these seemed to cloud up the industry's horizon. Also it avoided discussion of Mr. Rosenblatt's leap-frog proclivities in hopping from one side of a question to the opposite, all within the space of time between two conferences. Further, it did not quarrel with Mr. Rosenblatt when he carefully ladled out misinformation to the press or when he declined to answer questions which were perfectly proper to the time and place.

But when the code was finally formulated and after it had been signed by the President and delivered to the industry as the law under which it must seek to live, then, it seemed to us, the very proper and logical moment for discussion had arrived. But Mr. Rosenblatt in precisely the manner we would expect if the Constitution of the United States had,

(*Continued on page 6*)

Corrective Era Here—Kohn; It Is Up to Product—Lasky

By JESSE L. LASKY
Producer for Fox

HOLLYWOOD, Dec. 11.—In signing the motion picture code of practice and ethics, the President of the United States has effectively forced upon producers an instrument of mutual cooperation. The basic idea behind the code is sound. It will end many evils under which the industry has labored for many years with no prospect of remedy. As I see it, this code will classify

(*Continued on page 4*)

By RALPH A. KOHN
Vice-President, Paramount

Any thorough study of theatre admissions covering the last three years, convinces one that the business curve follows the curve of other industries.

It is astonishing, for example, to compare grosses at theatres in various parts of the country with the electric power consumption curve for that locality. Those that I have seen fluctuate almost in identical fashion, and the

(*Continued on page 4*)

Warners Hold Control; All Are Reelected

Preferred Stockholders Only Ones to Vote

In the Black

Wilmington, Dec. 11.—Warners have a $100,000 profit in prospect for the first quarter of the new fiscal year ending Nov. 25, said Samuel Carlisle, comptroller, at the annual stockholders' meeting today.

This would compare with a loss of $1,766,000 in the corresponding period of last year.

WILMINGTON, Dec. 11.—The three Warners—Harry M., Albert and Jack L.—retained control of their company today at the annual election of directors in spite of the fact that for the first time only preferred shareholders could vote.

Unlike last year's stockholders' meeting there was no friction and John P. Laffey, former counsel for

(*Continued on page 2*)

Settle Youngclaus Suit Out of Court

LINCOLN, Neb., Dec. 11.—Eleven major distributors, members of the Omaha Film Board of Trade, today settled the $255,000 damage suit of William N. Youngclaus as the case was called for trial in Federal Court

(*Continued on page 4*)

Missouri Sales Tax Bill Ruled Invalid

KANSAS CITY, Dec. 11.—Missouri's one per cent sales tax, which has passed the House and is now pending

(*Continued on page 3*)

Maybe

Jack Cohn tells the story of two Americans in Paris.

"Say," said the first, "I've been here three days and haven't been to the Louvre yet."

"Maybe it's the water," answered the second.

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Advertising Manager

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Elsie Pornhagen Dead

Elsie Pornhagen, secretary to S. Charles Einfeld, died Sunday morning as the result of an unsuccessful throat operation, it was learned yesterday. She was well known throughout the New York trade and had been a Warner employe for 14 years, having started with the original First National.

A husband, Arthur Munzer, three brothers and her immediate family survive Miss Pornhagen. Funeral services will be held tonight.

"ASK THE MAN WHO PLAYED IT"

NOW ACCEPTING DATES FOR NEXT TEN YEARS

Greatest Perpetual Roadshow Motion Picture Ever Produced

"Forgotten Men"

For State Rights Apply To

JEWEL PROD. INC.
723-7th Avenue, N. Y. City

Warners Hold Control; All Are Reelected

(*Continued from page* 1)

E. I. duPont de Nemours, who was elected a director last year, reported charges of mismanagement and irregularities made at that time were without foundation.

The election was in the hands of the preferred shareholders because the company had passed four dividends. The directors reelected were the three Warners, Abel Cary Thomas, Waddill Catchings and Henry A. Rudkin, the latter three being friendly to the Warners. The board will meet in New York Dec. 19 to reorganize.

Following announcement of the vote a recess was taken so the tellers could go through the formality of completing the count of common stock represented. More than 2,000,000 shares, a quorum, were represented. Ivan Culbertson, associated with former Judge Hugh M. Morris, counsel for the firm, presided in the absence of Morris.

In reporting on his year's work as a director, Laffey said:

"Since my election I have attended all the monthly meetings of the directors but one. I have paid close attention to the corporation's business. I accepted election, because of a personal interest in the corporation, and because you also have a personal interest, and I desired to inquire into the wild charges of irregularity and mismanagement.

Everything Proper, He Says

"Let me now assure you on my personal honor that nothing has been done at these directors' meetings by the three Warner brothers, or anyone else, that was not entirely proper and regular and in every way respectable.

"Since the last annual meeting the stock of the company itself has increased 500 per cent in value and the pictures it has exhibited have been well received.

"The possibility of Warner Brothers coming back is just as good as the possibility of any other company recovering. The company is now making wonderful progress.

"I can tell you that your company is well managed and that the interests of the stockholders are being as well conserved as the interests of stockholders in any other company when we take into consideration the troublesome times through which we are passing.

"As I said, I accepted the directorship to find out, as near as I could, whether there were any grounds for these charges of mismanagement and irregularities. I found none. The directors have considered nothing except on its merits. There has been no disposition on the part of the directors to gouge or to take unfair advantage of the stockholders."

None of the Warners attended.

Charles S. Guggenheimer, who took the chair after Laffey had finished, concurred in his statements.

Salaries Are Questioned

Stephen L. Lesher of Philadelphia, one of the largest individual preferred stockholders, made a motion that an itemized list of salaries of officers and directors of Warners and its subsidiaries be furnished.

Guggenheimer pointed out that Samuel Carlisle, comptroller, was present and could furnish figures concerning the salaries of the three Warners. He said he did not think information as to salaries of others should be given to competitors, who would take advantage of it. He said the company had lost two valuable men during the past year, because their salaries became known. They were assumed to be Darryl F. Zanuck and George Arliss.

Carlisle announced that for the six weeks subsequent to March 4, during the time when the bank holiday was in effect, the Warners called to receive their salaries, but waived any claim to payments not obtained. In addition, they collectively, he said, are receiving $5,000 per week, waiving all salary claims under their contract which allows them $10,000 per week, collectively. Following Carlisle's statement, Lesher withdrew his motion.

Barthelmess' Pact, Chatterton's Ending

HOLLYWOOD, Dec. 11.—Richard Barthelmess and Ruth Chatterton finish their contracts with Warners with their current pictures. The former is going to Europe and the latter has signed with Radio for one picture.

Most Issues Slump Slightly

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26⅝	26⅜	26½	.....	200
Consolidated Film Industries	3	2¾	2¾	— ¼	200
Consolidated Film Industries, pfd	9⅛	9⅛	9⅛	— ¼	100
Eastman Kodak	84¼	82¾	82¾	— ¾	1,900
Fox Film "A"	14½	14	14¼	+ ¼	800
Loew's, Inc.	33¼	32⅜	32½	— ¼	4,500
Paramount Publix	1¾	1½	1⅝	.....	1,800
Pathe Exchange	2¼	2	2	— ⅛	5,900
Pathe Exchange "A"	14¼	13	13	— ¾	5,900
RKO	2½	2¼	2¼	+ ⅛	2,200
Warner Bros.	6¼	6⅛	6⅛	— ⅛	4,000

Technicolor Off 1⅜ on Curb

	High	Low	Close	Net Change	Sales
Technicolor	9⅞	8½	8½	—1⅜	1,400
Trans Lux	1¾	1¾	1¾	— ⅛	400

Paramount Publix Bonds Up One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	3⅛	3⅛	— ⅛	3
Keith B. F. 6s '46	47	47	47	.....	1
Loew's 6s '41, ww deb rights	81¾	81	81¾	+1¼	9
Paramount Publix 5½s '50	27	26	27	+1	6
RKO 6s '41, pp	15	15	15	....	1
Warner Bros. 6s '39, wd	41	40	40½	— ½	25

Purely Personal

NED DEPINET was host at a Tavern luncheon for "PAN" BERMAN yesterday. Among those present were JULES LEVY, E. A. MCEVOY, CRESSON SMITH, WALTER BRANSON and BOB WOLFF.

HARRY RATHNER, general sales manager for Principal, is in Chicago, having accompanied SOL LESSER, president, to the Windy City enroute to the coast.

MAJOR EDWARD BOWES will supervise the entertainment at the Tribute Dinner to be tendered GROVER A. WHALEN at the Waldorf-Astoria tomorrow night.

MRS. AD SCHULBERG will be a guest star on one of the future RUDY VALLEE broadcasts over the Fleischman hour. She returns to the coast in three weeks.

JOE POLLAK, former president of National Screen, is renewing friendships around New York. He's been living abroad for a couple of years.

WERA ENGELS will make her bow on the stage shortly in "The Angel," which CROSBY CAIGE is producing.

SADIE FEUERSTEIN, secretary to AL LICHTMAN, is recuperating at her home following a throat operation.

B. A. ROLFE and his orchestra have been signed by Vitaphone to make a short.

MARY PICKFORD will arrive in town this morning from the coast, and will remain for a short vacation.

PETER FREUCHEN, author of "Eskimo," is leaving for Hollywood tomorrow.

RALPH STAUB claims he broke all shooting records on his last Vitaphone short.

WALTER FUTTER is on his way to the coast by automobile.

WALTER BRANSON, Midwestern division manager for RKO, is in town.

HELEN MORGAN has been engaged for a Vitaphone two-reeler.

AL JOLSON and RUBY KEELER are vacationing at Palm Springs.

Seidelman on Job

J. H. Seidelman, general foreign manager of Columbia, returned to his desk yesterday after being confined to his home ill for the last week.

Cochrane Back to Japan

Tom Cochrane, head of Paramount activities in Japan, is on the high seas after a short visit here.

Einfeld Due Thursday

S. Charles Einfeld, Warner publicity and advertising chief, returns from Hollywood Thursday morning.

Para. Equity Receiver Cost Facing Fight

Opposition to payment of any part of the $296,053 expenses for administration of Paramount Publix during its seven weeks of equity receivership, from Jan. 26 to March 14, will be made by Saul E. Rogers, attorney for a Paramount Publix bondholders' group, when the petition for payment comes before Referee Henry K. Davis for examination by creditors on Dec. 18, Rogers said yesterday.

The attorney will base his objections to payment of the expenses asked, he said, on the grounds that the U. S. District Court acted without jurisdiction in appointing Adolph Zukor and Charles D. Hilles equity receivers for the company last January.

"There was no necessity for a Paramount Publix receivership at the time," Rogers said. "Zukor could have continued as president of the company with more power than was his as an equity receiver. The expenses of the receivership were unwarranted and I shall oppose payment of any part of them."

The expense petition asks $30,000 for Hilles' services as equity receiver and $23,047 for Zukor's. The remaining $189,805 is for attorneys' fees incurred under the receivership.

A meeting of Paramount Publix creditors scheduled for yesterday to act on various claims against the bankrupt was postponed to Dec. 18. On Dec. 20, a creditors' meeting is scheduled to act on the reorganization plan for Publix Enterprises, bankrupt theatre subsidiary of Paramount Publix. The plan involves an offer by Famous Theatres Corp., recently organized P-P subsidiary, to purchase the assets of Publix Enterprises for $1,800,000, of which $240,000 will be in cash and out of which expenses of the bankruptcy administration for the theatre company will be paid. Also involved is a consent reduction of a Paramount Publix claim of $1,056,500 against Publix Enterprises, to $792,375, as proposed in Famous Theatres' purchase offer. The Publix reorganization plan is scheduled for settlement Dec. 21 before Referee Davis.

The same meeting will take final action on the reorganization plan for Dent Theatres, Inc., Texas circuit, involving sale of its assets to a newly organized corporation.

Missouri Sales Tax Bill Ruled Invalid

(*Continued from page* 1)

in the Senate Ways and Means Committee, has been declared unconstitutional by Roy McKittrick, attorney general at Jefferson City.

The measure had been urged by Governor Park. Sales tax proponents may write a new bill or attempt to salvage the old measure by introducing amendments.

Oregon Men Fight Tax

PORTLAND, Dec. 11.—Oregon exhibitors have retained John Logan and Dan Malarky, prominent attorneys, to fight the four per cent tax bill now pending in the Legislature.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Going Hollywood"

(M-G-M)

HOLLYWOOD, Dec. 11.—The theme of "Going Hollywood" is Cinderella in the movies with musical interpolations.

The tale tells of a school teacher, Marion Davies, tired of pedagogy, and craving life and romance. She falls in love with a radio crooner's voice (Bing Crosby). She then falls for the crooner in person, runs into romantic complications with the crooner's French sweetie, gets a break in the crooner's picture and wins her errant knight.

As with all Marion Davies' films, this one is gorgeously mounted. The lavish investitures give evidence of well-planned extravagance in sets and clothes. The picture has a nice charm and is tuneful throughout.

Miss Davies displays herself well, is versatile and makes a happy combination with Crosby, whose popularity seems to rise with each succeeding picture.

The "After Sundown" number is a tuneful mixture of buggy rides, hay rides, a barn dance and rural romance in song and rhythm, staged for good, homey effect.

The cast, including Ned Sparks, Patsy Kelly, Stuart Erwin, Fifi Dorsay and Bobby Watson, are all good.

Raoul Walsh's direction departs from his customary robustness in his first musical. Music and lyrics by Nacio Herb Brown and Arthur Freed are singy and swingy.

Properly exploited, "Going Hollywood" must be expected to give a good account of itself, particularly in follow-up playdates.

Miss Davies, with her large newspaper fan following, and the box-office value of Crosby, linked with the Cinderella theme, should get this one over.

"Sons of the Desert"

(Roach-M-G-M)

HOLLYWOOD, Dec. 11.—Laurel and Hardy come through with another feature length comedy in "Sons of the Desert," using the L. & H. formula of a pair of henpecked husbands as a skeleton on which to fabricate a story. A series of gags well timed and executed for laughs is sustained throughout.

The story concerns a couple of henpecked husbands taking the fraternal oath of their lodge, "Sons of the Desert," to attend the annual convention in Chicago. Meeting wifely opposition they feign sickness, bribe a doctor, who insists they must go to Honolulu, but they wind up in Chicago. Here they meet delegates from other states, including Charley Chase. A lot of horse play centered around a night club is enacted with plenty of production values. In the meantime the wives read about the return boat from Honolulu sinking, with but a few survivors. To console their grief in anticipation of bad news, they attend a picture show where news clips show Laurel and Hardy parading in Chicago with the rest of the "Desert Sons." Scenes of intimacy with girls along the sidelines of the parade provoke plenty of laughs. This builds to a rib-shaking climax with the deceiving husbands returning home, trying to alibi their deception.

Mae Busch and Dorothy Christy give creditable performances as the wives, while Chase is good as the flippant, wise-cracking delegate from Texas, Lucien Littlefield also stands out with a short bit as the bribed doctor. Photography by Kenneth Peach is well executed, with William A. Seiter getting the most directorially out of a well constructed story. Seiter has the faculty of building up to a gag, giving it plenty, then letting down just long enough to deliver the next jolt.

Basic plot of the comedy is not new, but the novel situations and sure-fire laugh provoking gags created by Frank Craven and Byron Morgan place it in a category of originality and audience entertainment.

"Flying Down to Rio"

(Radio)

HOLLYWOOD, Dec. 11.—"Flying Down to Rio" is one of the cleverest as well as one of the most original musical entertainments to hit the screen so far. The underlying mood is one of warm romance expressed in seductive songs, colorful settings and rhythmic dances on ballroom floor and airplane wing.

The love story starts with a band leader (Gene Raymond) fired from a Miami hotel for flirting with a hotel guest (Dolores Del Rio). Discovering she is Brazil-bound incognito, he pilots her in his plane, makes

(*Continued on page* 4)

Asserts Loew And Fox Back In Chase Fold

(*Continued from page* 1)

660,900 shares would be acquired by the banks which were underwriters of Film Securities' $20,000,000 of defaulted notes. Heading this group of banks is Chase National, which, Rogers pointed out, controls G. T. E., which in turn controls Fox. Acquisition of the Loew's stock by Chase would also put the bank in control of Loew's and M-G-M, Rogers said, thereby returning control of both Fox and Loew's to a single interest such as existed prior to the setting up of Film Securities Corp., following an anti-trust suit brought by the Department of Justice in 1929 to end control of the two companies by William Fox.

"If that develops," Judge Knox commented, "this court will then have jurisdiction over the case. In the meantime, however, I must allow the 'Shylocks' their 'pound of flesh.' The stock is posted as collateral on a defaulted obligation, and if the banks insist on foreclosing, I do not see how this court can interfere."

Judge Knox continued the hearing on the proposed stock sale until Dec. 18, and postponed the scheduled sale itself until Dec. 19.

Rogers expressed apprehension over undisclosed bidders, who, he said, might acquire the stock anonymously in the event the sale was authorized too soon after the court hearing to permit an investigation of the identities of successful bidders. The court, however, declined at this time to fix the proposed sale date later than Dec. 19. Rogers said Clarke's G. T. E. holdings at one time had a book value of more than $35,000,000.

Poli Gets Started; Blumenthal Is Head

(*Continued from page* 1)

ing the 22 houses with Louis M. Sagal as assistant treasurer and executive assistant. The current policy is to be continued for about a month when localized operation will be set up.

N. L. Nathanson is interested through stock purchases. The transfer deal, consummated last week, is retroactive to Nov. 15. There are no debts of any kind, all taxes are paid and there is plenty of cash in the bank, according to one of the men financially interested in the deal.

For the last five months the 22 houses have been netting around $35,000 a week, it is said. Headquarters in New Haven have been moved from the Bijou to the Poli Building.

The three receivers for Fox New England washed up their duties last Wednesday.

C. E. Dickinson Dead

ROCHESTER, Dec. 11.—Charles E. Dickinson, president and general manager of the Lock City Theatres, Inc., of Lockport, died at his home in that city after a long illness. He was 71 years old.

Dickinson was one the theatre pioneers in western New York. He is survived by his widow, two daughters and three sons.

Settle Youngclaus Suit Out of Court

(Continued from page 1)

here. Settlement was authorized by the New York offices of the defendants after long-distance telephone negotiations. The amount was not disclosed.

The suit was a sequel to the one in which Youngclaus won a Federal injunction a year ago against the Omaha territory zoning and protection agreement as a violation of the Federal anti-trust laws. This second suit merely attempted to collect damages allegedly suffered by Youngclaus's Madison, Neb., theatre as a result of protection said to have been granted a Publix house in Norfolk, 15 miles away.

Won't Discuss Payment In Ivan Abramson Suit

Settlement last Friday of Ivan Abramson's $1,500,000 anti-trust suit against the M.P.P.D.A. and a number of major companies was effected by payment of an undisclosed sum described yesterday by representatives of the defendants as "less than it would have cost to try the suit." They insisted, however, that they saw "no merit" in Abramson's case.

Mortimer Hayes, attorney for Abramson, declined to comment on the settlement other than to declare that the sum involved was "wholly satisfactory to the plaintiff."

Hammons Questioned In Action by Amity

E. W. Hammons, president of Educational, was examined yesterday in connection with an action brought by Amity Pictures to recover distribution revenue alleged to be due on Tiffany productions, rights to which have been acquired by Amity. The examination took place in Hammons' office and will be resumed Friday.

Authorization to conduct the examination before trial was given recently by the New York Supreme court, before which the case goes to trial in February. H. William Fitelson is counsel for Amity.

Singles Going Big; Portland Duals Fair

PORTLAND, Dec. 11.—It's a contest between singles and duals here, with the singles making a remarkable showing at present. All three of the single bill houses are having holdovers.

"Little Women" is in its second week at Hamrick's Music Box after a remarkable first-week showing. After two weeks at the Music Box "Only Yesterday" is now playing a holdover at the Oriental, and "Footlight Parade" is in its sixth Portland week at the Blue Mouse.

"Duck Soup" and "Worst Woman in Paris" are better than average at the Paramount and the Liberty, the other dual house, is doing well with "This Mad Game" and "Sitting Pretty."

De Mille in East

Cecil B. De Mille arrives in Washington today from the coast to discuss with government officials an adjustment on his taxes. He's due here the end of the week.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 3)

a forced landing at Port au Prince and falls in love. In Rio he finds the parents of the Brazilian beauty have decreed she must marry a local boy (Raul Roulien). Romance finds unique screen expression through the use of a visual image of the boy's inner self talking to his outer self, then showing a conversation between the two personalities of the girl.

The production is lavish in its beauty, full of glamour, girls and tunes, with a novelty finale using the sky as a stage and airplanes as accessories and girls on the wings strutting their stuff as the planes zoom high above Rio harbor. The distinctive showmanship plea is bound to thrill with its combination of femininity, danger and awe-inspiring scenic splendors.

Miss Del Rio, absent too long since "The Bird of Paradise," is a ravishing eyeful. Fred Astaire, as Raymond's pal, nearly steals the show with his dancing, and the comedy is split between him and Ginger Rogers. Roulien, Brazil's Clark Gable, is attractive as the local lover.

Vincent Youman's melodies linger tunefully in the memory. His "Carioca" number blends the rhumba with a sort of Brazilian bolero thumping its mad beat in a dance spectacle that quickens the pulse in a musical crescendo. "Moonlight and Orchids," sung by Roulien, is a plaintive love song in romantic atmosphere. The "Flying Down to Rio" number, with nature's canopy for cyclorama, tops the tunes on high. Lou Brock should be congratulated for his production, conceived smartly with an eye on the Latin markets.

Domestic box-offices should welcome "Flying Down to Rio." It dares to be different and achieves an entertainment quality that usually attracts the big grosses.

Corrective Era Here—Kohn; It Is Up to Product—Lasky

By JESSE L. LASKY
Producer for Fox
(Continued from page 1)

all branches of the industry, outline their specific duties as a basis for just wages and, more important still to the rank and file, it provides adequate compensation and working hours for all classes of employees.

I can't help but think that the industry will be benefited by the mutual cooperation the code imposes. Under a temporary arrangement many more workers were given jobs and fairer remuneration.

The code, however, will not solve all the ills of the business. Only good pictures can return the industry to the prosperity it once enjoyed. I believe that we are reaching out into novelties for our product, films that have meaning and purpose. The last two months have witnessed a great improvement in screen entertainment—and the chief reason for all this is that we are no longer afraid of taboos. We're doing things.

By RALPH A. KOHN
Vice-President, Paramount
(Continued from page 1)

electric power consumption curve is one of the chief indices used for determining business trends.

Any prognostication, therefore, as to the trend of the business in 1934 is impossible unless one wishes to hazard a guess as to the trend of general business for that year. There are, at the present time, too many factors involved and too many experiments being had to hazard such a guess. If the experiment that the Government has entered with the fluctuating value of the dollar without determining a point of gold content works for the benefit of general business, which up to the present most recognized economists deny, then the picture business will be benefitted and will improve during 1934. If this experiment proves a failure and hurts general business, then the picture business will suffer in 1934.

Irrespective of these factors which will, of course, affect only gross, there are other factors affecting the picture industry which will have to be corrected and in my opinion 1934 will be another reconstruction year. Mythical equities of landlords of theatres will have to be liquidated and fixed charges generally reduced in order to put the industry back on a sound financial basis. A most hopeful and encouraging fact regarding all of this is that those with whom the responsibility now lies for rehabilitation of this business all seem to realize what the troubles are, and this should be the first step towards their correction.

Butler Back with Roach

HOLLYWOOD, Dec. 11.—After an absence of four years, Frank Butler returns to the Roach studios Jan. 1 as head of the story department. When Butler was at the Roach studios last, he functioned as writer and director of the "Family Spat" comedy series.

Beecher Loses Mother

Milton Beecher lost his mother, Mollie, 54, over the week-end when she died of pneumonia. Beecher is a member of the M-G-M publicity department handling fan magazines.

Pictures to Come Under U. S. Survey

WASHINGTON, Dec. 11.—An exhaustive census of business, including a survey of the amusement industries, to show what has happened during the depression period is to be undertaken by the U. S. Census Bureau with funds provided by the Civil Works Administration, it was announced today by Secretary of Commerce Roper.

The census is designed to serve as the basis for planning and adjustments by individual business houses. The inclusion for the first time of many service trades, including amusements, will make it possible to ascertain where the consumer's dollar is spent.

Fox First Runs Go Into East Liberty

PITTSBURGH, Dec. 11.—As a result of the failure to get the Alvin open as per schedule, the Harris interests are sending several of their contracted Fox pictures to the 800-seat Harris-Family in East Liberty, a second run house. In the last 10 days, the Family has played three successive Fox pictures on Pittsburgh first runs, "Power and the Glory," "Walls of Gold" and "The Worst Woman in Paris?"

In several cases, due to the tieup in this territory, Fox has released pictures in the outlying districts without even a first run showing in the city proper.

Wood Reengaged as Ohio MPTO Manager

COLUMBUS, Dec. 11.—P. J. Wood has been reengaged as business manager of the M. P. T. O. of Ohio.

The new board of directors has picked the following as a legislative committee: J. Real Neth, Columbus, chairman; W. A. Finney, Henry Bieberson, Sam E. Lind, Martin G. Smith and Wood. Another committee which includes Finney, Max Stearn, and Wood has been chosen to redraft the constitution and by-laws.

Staggered Openings Begun in Oklahoma

OKLAHOMA CITY, Dec. 11.—Staggered openings, so that four houses open on four consecutive days, is the latest stunt here as a result of the pooled operation of Warner-Cooper houses under Pat McGee's direction.

Under the new arrangement the Liberty will change bills on Thursday and Sunday, the Capitol on Friday, and the Midwest and Criterion on Saturday.

Crawford Pulls $66,653

"Dancing Lady" led the Broadway grosses last week with $66,653 at the Capitol. "Hoopla" at the Old Roxy was good for $31,000. "The House on 56th St." took $19,992 at the Hollywood and "Son of a Sailor" reached $15,073 at the Strand. "The Chief," at the Mayfair, garnered $9,300.

Baily Goes Pullman

ATLANTA, Dec. 11.—Tom Baily of Paramount arrived from New York today.

SAYS FRED TO RED

(A letter from Fred S. Meyer, President of the Motion Picture Theatre Owners of Wisconsin and Upper Michigan, Inc. to Maurice D. Kann, Editor of MOTION PICTURE DAILY)

¶ Although somewhat belated I want to convey to you herewith the resolution adopted by a rising vote at our 22nd Annual Convention.

¶ Our Association appreciated the time, efforts and expense involved in getting here by air mail each morning copies of the MOTION PICTURE DAILY. This made a big hit and was greatly appreciated.

¶ For your personal appearance and your most constructive address the membership, too, feels indebted.

¶ Please accept this letter instead of the usual 'whereas' resolution. The 'pay-off' is that you are the first writer who could talk as well for all of which Wisconsin is grateful.

MOTION PICTURE DAILY
Live, Alert, Progressive Business Newspaper

Frisco Houses Cut; One 65-Center Left

SAN FRANCISCO, Dec. 11.—First runs are now definitely low price. Another joined the under 50 cents group this week when the Paramount dropped to 40 cents from 55 cents. Not long ago it was 65 cents. The Golden Gate dropped to 40 cents two weeks ago, and now there is but one house left at 65 cents—the Warfield.

Just what the Warfield is going to do about it hasn't been divulged by F. W. C. The house has been doing fairly well at its current rate.

The Embassy, former first run, is now in the second run class. "I'm No Angel" ended its former policy.

"Disraeli" to Get Test

PITTSBURGH, Dec. 11.—George Arliss' "Disraeli," which is being reissued by Warners, has been booked for a test at the Sheridan Square in East Liberty. It opens Wednesday.

This is generally the toughest week in the show business, the week immediately preceding Christmas, and it is figured it will be an ironclad test for "Disraeli."

Supplant Howard Hurd

HOLLYWOOD, Dec. 11.—Howard Hurd, business manager of the cameramen's union, has been replaced by Edward T. Estabrook. The shift is said to be due to dissatisfaction with the way Hurd handled the recent strike.

Hurd will remain in a subordinate position for the duration of his five-year contract, it is said.

Fox Studio to Enlarge

HOLLYWOOD, Dec. 11.—Bids have been accepted for the immediate construction of three new buildings at Fox Movietone Studio, specifications calling for a new assembly mill, sound stage, a projection room and re-recording channel building. Total cost of improvements, including equipment installed, will approximate $200,000.

George Trendle Married

DETROIT, Dec. 11.—George Trendle and Mrs. Adelaid L. Huston are on their honeymoon. They were married late Saturday. Mrs. Trendle is the former wife of Postmaster Roscoe B. Huston.

Berman Here; Sailing

Pandro Berman, associate producer at the Radio studio, arrived in New York from Hollywood yesterday and plans to sail for a European vacation Saturday, probably on the *Ile de France*.

Goldsmith Shifts Title

HOLLYWOOD, Dec. 11.—Since M-G-M changed the title of "The Vinegar Tree" to "Should Ladies Behave?" Goldsmith has changed "Misbehaving Girls" to "Woman Unafraid" to avoid confusion.

Schlaifer Starts Tour

L. J. Schlaifer, western division sales manager for U. A., leaves today for Chicago on the first lap of a tour of exchanges under his supervision.

Butterfield in Miami

MIAMI, Dec. 11.—W. S. Butterfield is here for the winter.

The Code—Up to Now

By MARTIN QUIGLEY

(*Continued from page* 1)

in fact, been suspended declares that "no one is entitled to criticize the code until it has been tested in actual operation."

▼ ▼ ▼

WHAT Mr. Rosenblatt does not see or is pleased to ignore is that all of the criticism we have published applied not only to the probable results of the code in actual operation but also—and most importantly—to the scheme as it was concocted. Irrespective of what the results might have been, the scheme itself was unsound, unreasonable and unfair.

As a good soldier, Mr. Rosenblatt is expected to go over the top when General Johnson cracks the whip, but no one was probably more surprised than Mr. Rosenblatt himself to discover finally that the motion picture industry code was eventually left, by virtue of the Executive Order, on a basis certainly never discussed and probably never thought of among the various principals participating in that interminable series of code conferences. If there was any trace of the principle of industry self-regulation in this we would like to have Mr. Rosenblatt point it out.

The code set-up as it originally stood was the Administration's compromises with a list of special pleaders, each of whom had some ax to grind and the industry was left unprotected to take the consequences. The industry was left subject to the expressed whims and fancies of the Administrator and, while it may be conceded for the purpose of this discussion only that the Administrator has no whims and fancies as far the the picture business is concerned, still he would have been kept well supplied by anyone who wanted to put something over on the picture business. The Eddie Cantor appointment which the Administration did not even trouble itself to wait on is a fair example.

The idea of a code authority which was not a code authority was simply and plainly a bureaucratic enslavement of a great industry and a great agency for influencing public thought. The question naturally comes to mind, why was this industry singled out for a strait-jacket? Did Washington decide that because of the propaganda and political uses to which the motion picture may be put that it would be well to keep it dancing at the end of a stick?

▼ ▼ ▼

HOWEVER, whether or not General Johnson and Mr. Rosenblatt thought anyone was entitled to criticize, the fact is that there was criticism and it was expressed directly to the President. The result is that the now famous Executive Order which the President's advisors allowed him to sign—and which we had the temerity to criticize—has virtually been thrown into the wastepaper basket, which course, incidentally, sets what would be a desirable precedent to have these same advisors follow.

The industrial code idea, as originally conceived and announced, contained enormous possibilities for the betterment of business and for the betterment of all persons connected with business. It was intended to be a plan of self-regulation under government supervision. Industries were expected to provide properly for their own regulation and in this effort the government was to stand behind them in full support and encouragement.

But a thousand self-styled experts laid hand on the original idea and each of them has sought to give it a twist to make it more nearly conform with his own particular notions and purposes. The result is that the original plan has become so weighted down with confusion, misunderstanding, lost motion and cross purposes that it is now hardly recognizable.

The motion picture code, now stripped of the impossible conditions imposed in the Executive Order as result of representations made by industry leaders to the President last Friday, becomes the rule of the business. The document has been carefully and thoughtfully worked out by representatives of all important interests in the industry. While its history to date has largely been one of disappointment and travail there are still good and sufficient reasons for believing that it can and will contribute importantly to the betterment of the industry, as such, and that it will bring important benefits to all persons in the industry and to the public as well.

But the industry, to its eventual profit, may well realize that the accomplishment of these desirable ends depends very much more upon what the industry itself, rather than Washington, may do with the code.

Getting Ready for Switch

The RKO Roxy will be converted into the RKO Center by the end of the week when all signs on the theatre will be replaced by new ones.

Jack Harrower Ill

Jack Harrower, "Phil M. Daly," columnist on *The Film Daily*, is seriously ill at the Yonkers Memorial Hospital. He is suffering from a stomach ailment.

Brodie Lifts Price To 15 Cents Level

BALTIMORE, Dec. 11.—In line with the general policy of distributors to maintain a 15 cents minimum admission, the latest theatre to increase its scale to that figure is the Brodie, in South Baltimore. The increase only affects adults at afternoon shows. Joseph Brodie owns the house.

Thomas Van Osten Dead

SAN FRANCISCO, Dec. 11.—Thomas D. Van Osten, secretary of California Theatre Ass'n, died at a local hospital today after a lingering illness. A blood transfusion was resorted to in vain. He was 70. For years he represented the industry at the California legislature. He played an important part in the fight against daylight saving here two years ago. His widow survives.

Many for Code Jobs

WASHINGTON, Dec. 11.—Names are pouring into the NRA offices for appointments to the 400 jobs open on the 64 clearance and zoning and grievance boards and the free-lance, extra and agency committees. The task of selection will devolve upon Deputy Sol A. Rosenblatt.

Duals Temporary

CLEVELAND, Dec. 11.—Duals at Loew's State will run only one week. The plan to make the policy permanent was rescinded following receipt by the management of a letter from Col. E. A. Schiller. Warners Hippodrome called off going on duals when it learned double-features at the State were only temporary.

Due Back December 24

Spyros Skouras, now on the coast conferring with his brother, Charles, and Harry C. Arthur, enroute to Los Angeles to discuss Fanchon & Marco theatre deals with Milton Arthur and Mike Marco, are due back in New York, Dec. 24.

Exhibit Coming Here

The recent motion picture exhibit at the World's Fair in Chicago will move to New York when Julian Fowlkes opens the show at the automobile exhibition Saturday in the Port of Authority Building.

Film Notables Here

Paul Lukas, Dennis King, Martin and Mrs. Beck, Ketty Galligan and Jules Demaria, honorary president of the French Motion Picture Syndicate, will arrive today from Europe on the *Ile de France*.

M-G-M Seeks Lehar

HOLLYWOOD, Dec. 11.—M-G-M is negotiating with Franz Lehar, the composer, now in Rome, to supervise the music and production technicalities of "The Merry Widow."

Wingate Coming

HOLLYWOOD, Dec. 11.—Dr. James Wingate is eastbound to attend conferences at the M. P. P. D. A. home office.

Pay Row Settled

HOLLYWOOD, Dec. 11.—Jean Harlow is reported to have settled her salary dispute with M-G-M.

Independents Now for the Code

Action Won't End Demand For Changes

Leading independent elements of the industry signified their intention of signing the code in a communication sent to Deputy Administrator Sol A. Rosenblatt yesterday by the Federation of the M. P. Industry, in which approval of the President's Executive Order for a 90-day trial period was given.

Approval of the Executive Order carries with it approval of the code, but the federation will continue to act as it sees fit in attempting to obtain changes in or additions to the code in the future, it was said. This qualification is believed to refer to the organization's desire to have included in the code some specific provision guaranteeing unrestricted double featuring.

A luncheon meeting of directors of the federation is to be called within the next day or two to set a date for a meeting of the entire membership at which individual company signatures to the code will be given and plans for future code activities, especially relating to double featuring, will be made.

United Artists, 20th Century and Columbia are known to be satisfied with the code carrying with it the concessions modifying the Executive Order, made Saturday by Administrator Hugh S. Johnson, and the signatures of those companies are expected momentarily. Signing of the code by U. A. and 20th Century is expected to be followed by withdrawal of Joseph M. Schenck's resignation from the Hollywood Producers' Ass'n, although so far as could be learned yesterday, Schenck took no action in this direction prior to his departure for Europe Saturday.

Monogram Will Sign Within Next Few Days

Monogram will sign the industry code a few days prior to the calling of the first Code Authority meeting, W. Ray Johnston, president, stated yesterday. He is a member of the Code Authority and said that the studios and home office have been working under the President's agreement. Whether affiliated franchise holders had signed the code, he could not say, as this was an individual matter with each exchange.

"We are disappointed, of course, that the code does not include clauses which we were fighting for, such as the elimination of block booking, protection of the dual bill and the right to buy," Johnson said, "but we are willing to cooperate with the Administration in endeavoring to amicably settle these matters within the Code Authority."

Majors' Dual Clauses Stir Federation's Ire

Members of the Federation of the M. P. Industry declare they may take Federal action against major distributors for insertion of a clause in contracts signed in Chicago which precludes a second picture being shown on the same program with their features.

The Chicago practice is said to be spreading to Milwaukee, and Edward Golden, general sales manager for Monogram and leader in the fight to have the duals' clause eliminated in the industry code, is in the Beer City now making an investigation. He is due back tomorrow and will report to the federation.

Independent producers and distributors claim that the Chicago action is a restraint of trade and another way of getting around elimination of twin bills, mention of which has been completely eliminated from the signed code. Golden last night was tendered a dinner by Milwaukee exhibitors opposed to restrictions against duals.

Skouras Before NRA Board on Complaint

Skouras Bros. yesterday were instructed by the local NRA compliance board to appear before the board tomorrow to answer a complaint filed with the board by Local 118, Building Service Employes Union, in which it is alleged that one, Johannes Wittberg, was dismissed as head janitor of the Academy of Music last week, after it became known that he had become a member of the union. Skouras representatives contend that Wittberg was dismissed for incompetency.

Local 118 was secretly organized here during the past few weeks, and now claims a membership of over 1,000 janitors, doormen, ushers, cashiers and ticket takers. Charles C. Levy, secretary-treasurer of the local, stated efforts will be made to obtain 20,000 members within the next few months. He said the organization was dissatisfied with the minimum wage schedules of the code for the theatre labor classifications represented by its membership and efforts would be made to obtain increases on the grounds that these classifications had no representation at the Washington code hearings.

Circuit executives and theatre operators here evidenced little concern yesterday over the existence of the new union, which takes in every classification of theatre employe not already unionized. Their attitude is that the new union's membership embraces unskilled labor, and with thousands of unemployed in the Greater New York area, no difficulty would be encountered in replacing the union's membership in the event of a strike.

Stage Is Set for First Code Confab

WASHINGTON, Dec. 11.—With the argument over the Executive Order provisions out of the way, the stage is set for the initial meeting of the code authority, and while no official call has yet been issued by Deputy Sol A. Rosenblatt, who today is in Charlotte, N. C., reports here were that the meeting would probably be held Thursday in New York.

Rosenblatt May Be Chairman of "C.A."

(*Continued from page 1*)

Because of his knowledge of the code and the functions of the various clauses in it, Rosenblatt in all probability will be the man to conduct the meetings. Following the selection of Code Authority chairman the next step of the body will be to sift the various names submitted to the deputy administrator for representation on the 32 local clearance and zoning boards.

His appointment on Code Authority eliminates Charles L. O'Reilly, president of the T. O. C. C., from a post on the New York clearance and zoning board. Harry C. Arthur, managing director of the 7th Ave. Roxy, is understood to be slated for an important position on the local clearance and zoning board. He is considered one of the shrewdest independent show men in these parts, operates four New England houses and is a partner of Mike Marco in a number of houses in the west and middle west.

Berinstein Stirs Up Coast Independents

HOLLYWOOD, Dec. 11.—Ben Berinstein stirred up some excitement here by giving 400 exhibitors the impression that he held power from Deputy Administrator Sol A. Rosenblatt to interpret portions of the code affecting independent exhibitors. In making his interpretation he declared "Race Night" films were taboo and subject to fine and loss of theatre license.

General Film Products, which makes and distributes "Race Night" films, wired Rosenblatt for confirmation. He answered that no individual was authorized to interpret the code or to make any statement in behalf of the Recovery Administration.

It is said that a ruling has been asked to set at rest the question raised by producers and distributors of the films as to whether these are subject to the code, or require the approval of 75 per cent of exhibitors in any territory.

Denver Chorines May Go Under Code Costs

DENVER, Dec. 11.—Threatened loss of close to 70 jobs at two theatres is indicated if they are forced to pay the $25 wage set by the code for chorus girls. With 14 line girls at the Tabor, now getting $15 to $18, the boost, together with other increased expenses, would increase the nut $170. At the Rivoli, with seven chorus girls, the increase would net $70, as the girls are now getting $15.

Harry Huffman, managing director of the Tabor and the Orpheum, indicated that if forced to pay code wages, he would dispense with the stage shows at the Tabor, and would cut the line at the Orpheum.

Morrison on Way East

HOLLYWOOD, Dec. 11.—Leo Morrison is on his way east in the interest of Max Baer and other clients.

Deputy Tells Car. MPTO to Abide by Code

CHARLOTTE, N. C., Dec. 11.—A strong plea for strict support of the industry code was made by Deputy Sol A. Rosenblatt in an address today before 300 exhibitor members of the Carolina M. P. T. O. at their convention here.

"I assure you," he said, "that both President Roosevelt and General Hugh S. Johnson are anxious to be of constructive help to our industry. You are called upon to do your part to regulate your business in accordance with the code and bring praise from the general public upon yourself by strict adherence to your code."

Charles W. Picquet, Pinehurst, was elected president of the organization; Albert Sotille, Charleston, first vice-president; W. T. Culpepper, Elizabeth City, second vice-president, and Mrs. Walter Griffith, this city, secretary-treasurer. The following were named directors: J. M. Gregg, H. F. Kincey, both of this city; H. E. Simpson, Gastonia, and H. R. Berry, Hartsville.

The principal addresses at this morning's session were delivered by Ed Kuykendall and M. A. Lightman, both of whom warned exhibitors that "chiselers" and "cheaters" would be driven from the ranks of the industry now that the code was put into effect. Lightman said the code would soon put the entire industry upon a sound, profitable basis.

A code enforcement committee for the Carolinas will be appointed by Picquet.

Rocky Mountain Men To Hear Code Talks

DENVER, Dec. 11.—The annual convention of the Rocky Mountain Theatre Owners' Ass'n, at which the principal topic of discussion will be the code, will be held at the Brown Palace Hotel here Dec. 19 and 20. This meeting has been postponed since summer because of the code.

Harry Huffman, president, and Emmett Thurmon, secretary and counsel, issued the call.

Social affairs are being dispensed with this year. It is possible that one or two previews of important pictures will be arranged.

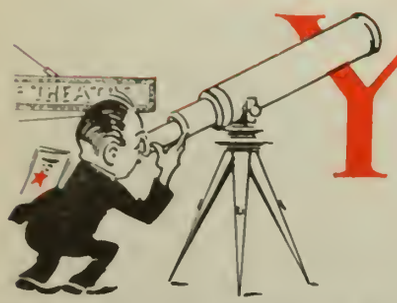
No registration fee is being charged ths year, and the association is trying to get as many managers as possible to attend.

Allied Meeting on Code

GRAND RAPIDS, Mich., Dec. 11.—The national planning committee of Allied meets here Tuesday to assume a stand on the code. Its personnel includes Abram F. Myers, Sydney Samuelson, H. A. Cole, Bennie Berger, Nathan Yamins and Ray Branch.

Allied of Michigan is meeting at the same time in annual convention.

EDUCATIONAL STARS FORETELL PROFITS FOR WISE SHOWMEN



YOU CAN READ IT IN THE STARS! *Educational's* Big-Star-Name attractions are blazing across the film firmament, and astrologers of the show world foretell profits for wise exhibitors from the favorable conjunction of major constellations in this stellar group. Every star of major magnitude! Every subject a sparkling unit of entertainment. Every group a nebula of scintillating subjects. Hitch your Short Subject Policy to the Big-Star-Name *Educational* Program for a brilliant success during the coming year.

The Busy Comedy Lots

EDUCATIONAL Studios in Hollywood . . . literally a bee-hive of production industry. 'King Bee' E.H. Allen and his swarm of comedy concocters completing "FROZEN ASSETS" with ANDY CLYDE buzzing around as *Easy Mark Anthony* . . . making hot love to *Queen Bee Cleopatra!* . . . There's a honey of a role for Andy! .

LLOYD HAMILTON . . temporarily out of commission due to an accident . . . toddles in again in a MERMAID COMEDY . . . "POP'S PAL" (oh what a pal!) . . with George Bickel and Billy Bevan.

The youngsters who make so much hotcha in "Frolics of Youth" are whooping it up in "WHAT TO DO?" . . and are producing for the next one "PARDON MY PUPS" (There's a title!)

* * * *

AND IN THE EAST . . . Tom Howard has made his most uproarious comedy . . . he's a dumb detective with a just-as-dumb partner . . . The name of this sweet patootie is "DIVORCE SWEETS."

Strike up your mandolin! . . . Tom Patricola and Charles Judels . . . have completed a rollicking comedy of Old Mexico and its bad hombres..."THE GOOD BAD MAN"

MORAN & MACK . . . the 'Two Black Crows' . . . fly all the way from frozen Alaska to Hades for laughs in "THE FREEZE-OUT." . . . they're hot laughs! . . .

EDUCATIONAL'S "TREASURE CHEST"

a Box Office Cache of scintillating entertainment gems that radiate as much brightness and joy as a Christmas tree ablaze with Yuletide cheer. These one reel jewels will fill your house to the roof-top with the festive spirit all the year 'round.

"DAY DREAMS"

. . a fantasy of rare loveliness . . . the visualization of a child's dreams . . . with special music by Henry King and Walter Scharf . . . played by Henry King's orchestra . . . is an ideal subject for holiday bookings.

"WHAT DOES 1934 HOLD"

. . . another timely gem for the holidays from the "Treasure Chest" . . . in which the internationally famous astrologer WYNN will show what is in store for the coming year . . . according to his readings of the stars.

BIG STAR NAMES IN FIRST RELEASES

TWO MORE FAMOUS STARS make their first appearance for *Educational* in new single-reel subjects in the popular SONG HIT STORY series. . . .

JAMES MELTON IN "THE LAST DOGIE"

with the noted tenor singing several of the famous cowboy laments.

HELEN MORGAN IN "MANHATTAN LULLABY"

with the famous torch singer at her melodious best.

BEAUTY—ROMANCE—FUN

WHILE *EDUCATIONAL'S* ONE-REEL MUSICAL gems make a perfect setting for the melody spots on your programs . . LAUGHS and ROMANCE are also found in abundance in *Educational's* single-reel entertainment . . . Nothing is more sure-fire for a laugh than the TERRY-TOON cartoon classics . . . and nothing more beautiful than the natural color "ROMANTIC JOURNEYS."

SHIRLEY TEMPLE GRADUATES FROM BABY STARS TO "FROLICS"

GRADUATED from the Baby Stars after having been featured in several of *Educational's* Baby Burlesks . . . SHIRLEY TEMPLE is now appearing in "FROLICS OF YOUTH" . . She is seen in "WHAT'S TO DO?"

Educational Pictures — THE SPICE OF THE PROGRAM

DISTRIBUTED IN THE U.S.A. BY FOX FILM CORPORATION

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 138 NEW YORK, WEDNESDAY, DECEMBER 13, 1933 TEN CENTS

Indianapolis Plods Along 'Mid Trouble

Too Many Seats There For the City

This is the fifth in a series of studies on conditions in the Middle West. Next: Detroit.

By RED KANN

INDIANAPOLIS.—If the genial Bob Lieber of fond First National memory had withstood the stampede which Paramount turned loose on him back in the days when money was easy, the big Indiana theatre, capacity 3,133, never would have been built. Indianapolis's and the state's leading house would have remained among the things

(*Continued on page 6*)

Oregon's 4 Per Cent Tax Bill Is Killed

PORTLAND, Dec. 12.—Due to concerted efforts of theatre owners, headed by Ted Gamble and George Jackson, the four per cent gross tax bill was killed in committee in the state legislature today.

Four New Plans in Wind For Revamping Old Roxy

With Federal Judge Francis G. Caffey yesterday continuing Howard S. Cullman as receiver for the 7th Ave. Roxy a third time, Carlos Israels, representing first mortgage bondholders, advised the court that four plans for reorganization are now being considered and that he expects to accept one within the next six months. When questioned by MOTION PICTURE DAILY, Israels refused to comment on the plans other than state that "if a good proposition came along tomorrow he would close it immediately."

Albert Rose, attorney for the receiver, stated that for the 25 weeks ending Dec. 7, 1933, there was a net profit of $18,521, before interest and depreciation, as compared with a net loss of $229,000 for the same period last year. He also said that cash on

(*Continued on page 7*)

Rosy a Bit Late

A belated proposal to rename the RKO Roxy, the "Rosy," and effect an economy by necessitating the change of a single letter instead of complete, new signs, was made unofficially by A. H. McCausland, Irving Trust representative in RKO, yesterday but nothing came of it.

Workmen began displacing the Roxy signs during the day and replacing them with the new name, the Center.

Michigan Blizzard Delays Allied Meet

GRAND RAPIDS, Dec. 12.—Due to a blizzard some of the members of the Allied national managing committee failed to arrive on schedule today and the session was postponed.

The annual meeting of Michigan Allied started with routine business up. Three recommendations were decided upon by the directors. They were:

(*Continued on page 7*)

Authority Meets in New York Dec. 20

WASHINGTON, Dec. 12.—Members of the code authority today were notified by Deputy Administrator Sol A. Rosenblatt that the initial meeting of the body would be held at 2 P. M., Dec. 20, at the Bar Ass'n Building, New York.

The meeting will be largely for purposes of organization, but it is anticipated one of the matters brought up will be the issuance of the form by which distributors and exhibitors

(*Continued on page 7*)

Rosenblatt's Job of Board Naming Begun

Nominations Being Put In by the Industry

WASHINGTON, Dec. 12.—Deputy Administrator Sol A. Rosenblatt has already begun the task of selecting 400 members for the 64 zoning, clearance and grievance boards and the free lance, extra and agency committees to be set up under the code.

Nominations are being submitted by all the industry elements concerned. Under the provisions of the code members of all the boards and committees must be bona fide exhibitors or distributors.

In consonance with the Roosevelt Administration's policy of giving positions to Democrats wherever possible, it is anticipated in Washington that the politics of every nominee for board membership will be investigated, particularly with respect to the non-industry member who is to represent

(*Continued on page 7*)

Opera Among Plans For the RKO Center

Possibility of presenting opera at the Center, former RKO Roxy, in the event Rockefeller Center inter-

(*Continued on page 7*)

Express Faith in NRA; See Need for Improvement In Quality of Product and Stability Up for 1934

By NED E. DEPINET
Vice-President, Radio

The usual thing at this time of the year is to dream about the prospects for the year to come, but experience proves that years have a habit of repeating themselves and that show business, like any other, prospers only in ratio to the quality of entertainment it offers. Therefore, it is simple to say that 1934 will be like 1933 in this respect. The hits will draw

(*Continued on page 2*)

By DARRYL F. ZANUCK
Vice-President, 20th Century

HOLLYWOOD, Dec. 12.—We go into the new year, 1934, with a code to regulate certain phases of our operating system.

Whether this regulation will eventuate in restriction rather than total independence remains to be seen. The full force of the code's provisions must be felt in operation before we attempt to draw any conclusions—the

(*Continued on page 2*)

By HAROLD B. FRANKLIN

The industry moves forward under the protection of the Government. This will result in a unified front of the various groups; it will strengthen the position of independent operation because the public spotlight will be directed on the activities of the zone authority.

The solution of many of the problems of the industry can be accomplished by those who are equipped by experience

(*Continued on page 2*)

By JAMES R. GRAINGER
General Sales Manager, Universal

I feel that both the NRA and the code will be of great benefit to our industry and I am very optimistic as to the improvement of our business in 1934.

The success of our industry, of course, greatly depends upon the quality of product pro-

(*Continued on page 2*)

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About Two-Thirds of Warner Stock Voted

WILMINGTON, Dec. 12.—The official figures of the annual Warner Bros. stockholders' meeting here showed that 2,335,202 shares of the common stock out of about 3,600,000 were represented. Out of 103,107 shares of the preferred stock, 86,939 were represented.

Company officials were pleased by the vote of confidence.

M-G-M Adds Writers

HOLLYWOOD, Dec. 12.—Feminine writers are in demand at M-G-M which has just signed Lulu Vollmer, Margaret Hawkins, Virginia Kellogg, Edith Fitzgerald, Frances Goodrich and Zoe Akins. Ben Hecht, Louis Weitzenkorn, Ernest Vajda and Albert Hackett also have been signed to do scripts.

Takiff Planning More

Harry Takiff, long associated with Joseph I. Schnitzer and now on his own as a producer in conjunction with George E. Kann, is in New York from Hollywood on new product deals.

His first, "Woman Unafraid," is finished and is being handled on the state right market. A second is definitely set.

In From the Coast

Lester Cowan, former secretary of the Academy of M. P. Arts and Sciences; Leo Morrison, agent; Harold Hopper and A. R. Simon are in New York from Hollywood. All at the Warwick.

Express Faith in NRA; See Need for Improved Quality

By NED E. DEPINET
(*Continued from page 1*)

money and the failures will be failures. The trick, of course, is to make hits.

Because there is an upswing it is natural that business should show improvement in many spots. The NRA code, under which we are now operating, sets all companies on a basis of fair competition and its observance within our ranks will be strict. We have faith in the NRA as a movement and feel that it has already been the motivation for a noticeable improvement in business. We have hope and faith that this will continue and feel that the best way to aid any general business rise is to guard our own situation well and to make product that will be profitable to us and to those thousands of exhibitors whom we serve.

By DARRYL F. ZANUCK
(*Continued from page 1*)

code is here and the test is at hand.

However, since this code is a component part of the entire NRA program, which aims by its regulation to gain the praiseworthy goal of relieving unemployment—the very fact of approaching that goal is bound to be a help to the motion picture industry. And if the code itself proves too stringent, its defects can be overcome by alteration.

The most significant development for 1934, to my mind, is the impending change from mass production to individual production. In my opinion mass production is due for the discard because the day of "cycles" is over. Practically every new type of picture has been made, and there has been no background or type of story left untouched. Producers who play a game of "Follow the Leader" must now depend on their own resources and ingenuity.

Each picture, henceforth, must be made as big and as good as possible. This can only be accomplished by full concentration on one picture at a time. Stars must be supported by stars, in strong stories, produced on a lavish scale. That is what I mean by individual production.

By HAROLD B. FRANKLIN
(*Continued from page 1*)

and approach the industry's problems sympathetically and in a spirit of compromise and cooperation.

The year 1934 should place the industry on a more solid footing, as reorganization of at least two organizations will probably be completed during the year. With this reorganization will come the realization that permanent success in show business can only come with showmen at the helm.

By JAMES R. GRAINGER
(*Continued from page 1*)

duced at the studios. The better the pictures, the better the box-office receipts and the better the film rentals secured. However, in view of the improved quality of the product released so far this season, I feel the year 1934 will show a decided improvement over 1933.

Travellers in Today

The *Ile de France*, with Martin Beck and his wife, Jules Demaria, honorary president of the French Motion Picture Syndicate, Paul Lukas and other film people aboard, docks today instead of yesterday. A French Line bulletin had the liner due in New York a day ahead of schedule.

Stanley Loss $2,439,104

PHILADELPHIA, Dec. 12.—Net loss of the Stanley Co. of America for the year ending Aug. 26, after depreciation, amortization, interest and other charges, was $2,439,104. At the end of the previous year the loss was $1,745,333.

Postpone P. E. Hearing

A Publix Enterprises hearing scheduled for yesterday to consider a claim of $156,784 filed against the bankrupt by the Sunrise Realty Corp. was postponed to Dec. 19.

Trading Heavy on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	27½	26⅜	27¼	+ ¾	1,100
Consolidated Film Industries	2¾	2¼	2¾	.....	100
Consolidated Film Industries, pfd	10⅛	9¼	9¾	+ ⅝	1,500
Eastman Kodak	83½	82¾	83	+ ¼	1,200
Fox Film "A"	15½	14⅝	15⅛	+ ⅞	2,800
Loew's, Inc.	33½	32	32	— ½	7,500
Paramount Publix	2⅛	1⅝	2⅛	+ ½	41,000
Pathe Exchange	2	1⅞	2	.....	3,500
Pathe Exchange "A"	13¼	12¼	12¼	— ¾	1,800
RKO	2¼	2⅛	2¾	.....	.....
Universal Pictures, pfd	15	15	15	—1	1,000
Warner Bros.	6⅝	6	6⅜	+ ¼	15,900

Technicolor and Trans Lux Up

	High	Low	Close	Net Change	Sales
Technicolor	9⅜	8¾	9⅛	+ ⅛	1,500
Trans Lux	2	1¾	2	+ ¼	600

All Bonds Show Gains

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	4	3⅝	4	+ ⅞	15
General Theatre Equipment 6s '40, ctf	3½	3½	3½	+ ½	4
Loew's 6s '41, ww deh rights	82	81¾	82	+ ¼	....
Paramount Broadway 5½s '51	29¼	29¼	29¼	+ ¼	3
Paramount F. L. 6s '47	30⅛	25⅛	30	+6½	53
Paramount Publix 5½s '50	30½	25	28	+3	64
Warner Bros. 6s '39, wd	42¾	40½	41¾	+1¼	75

Kansas City F. & M. Rumors Discounted

KANSAS CITY, Dec. 12.—Reports F. & M. had a deal under way for a local first run or were to invade Kansas City via stage shows at Fox Midwest theatres are declared unfounded by those in the know.

It is said the rumors probably refer to negotiations F. & M. conducted for the local Pantages, downtown house which has been dark more than a year. That deal was on about two months ago, but nothing came of it.

Elmer Rhoden, Fox Midwest division manager, professes complete ignorance about any deal for F. & M. presentations. It is known, however, that F. & M. have been attempting to gain a permanent foothold here for some time.

Hershfield Is Made Head of Cheese Club

Harry Hershfield yesterday was elected president of the reorganized Cheese Club, which met for the first time in several years at Leone's. The club is composed of theatrical publicity and advertising men, particularly in the legitimate field and will meet every Tuesday hereafter.

Fred Block was elected vice-president; Al Kayton, treasurer; Lawrence Weiner, secretary.

Kaplan Appeal Put Over

Hearing of the appeal of Sam Kaplan on charges of coercion and appeal before the Appellate Division on the right of the I. A. T. S. E. to remove him from the presidency of Local 306 has been put over until Jan. 2. Max Steuer, Kaplan's attorney, yesterday asked for the postponement claiming he was busy until Jan. 2.

Australian Duty Cut

WASHINGTON, Dec. 12.—Australian import duties on negatives have been cut to one shilling per linear foot (about 6 1-3 cents), according to information sent by Assistant American Trade Commissioner Wilson C. Flake to the M. P. Section of the Bureau of Foreign and Domestic Commerce.

May Enroute to Coast

CHICAGO, Dec. 12.—Joe May and his wife passed through here today enroute to Columbia studios on the coast.

Arthur at Salt Lake

SALT LAKE CITY, Dec. 12.—Harry C. Arthur stopped here today enroute to the coast.

Sisk in Hollywood

HOLLYWOOD, Dec. 12.—Robert F. Sisk, Radio's director of publicity and advertising, is here from New York.

Leon Lee Joins M-G-M

Leon Lee, formerly with United Artists, has joined the M-G-M advertising department.

Unger and Kusell Leave

J. J. Unger and Milt Kusell left for Cleveland and Cincinnati last night on the Paramount Victory Drive.

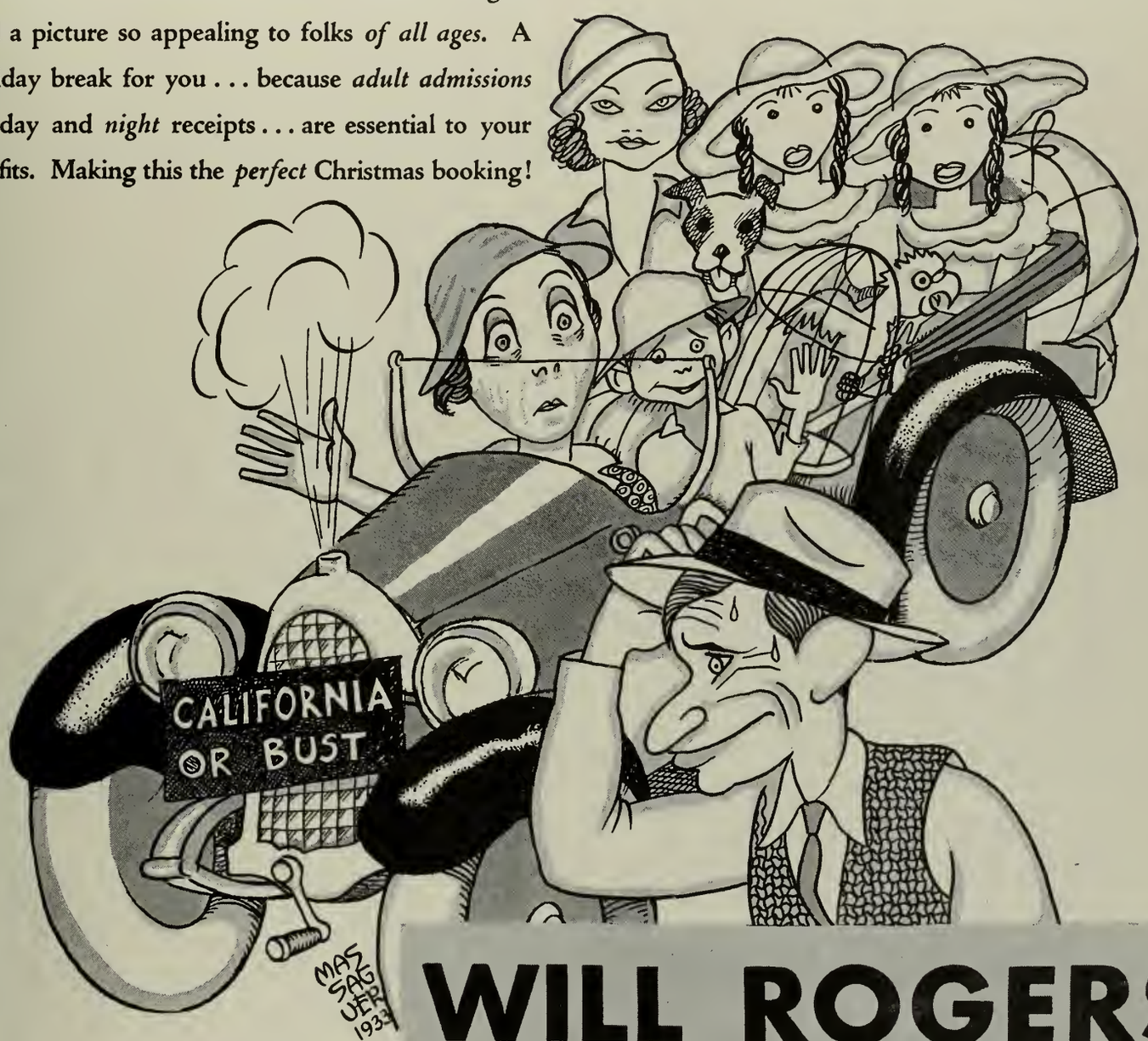
Muni on Way Here

HOLLYWOOD, Dec. 12.—Paul Muni is on his way to New York in search of a play.

During Christmas Week . . . GET THE YOUNGSTERS AND THE OLDSTERS, TOO

with this family hit

Not since "A Connecticut Yankee" has Will Rogers had a picture so appealing to folks *of all ages.* A holiday break for you . . . because *adult admissions* . . . day and *night* receipts . . . are essential to your profits. Making this the *perfect* Christmas booking!



WILL ROGERS

in

Mr. Skitch

with

ZASU PITTS

ROCHELLE HUDSON
Florence Desmond
Harry Green
Eugene Palette

From Anne Comeron's story "Green Dice"

Directed by James Cruze

JOIN THE UPSWING WITH FOX

Your patrons always like
FOX MOVIETONE NEWS

YOU OWE IT TO YOUR AUDIENCE TO READ EVERY WORD OF THIS REMARKABLE PROPHECY OF BETTER BUSINESS FOR YOUR THEATRE!..

Vitagraph, Inc., Distributors

Fast moving comedy that should be a money magnet at all houses, 'Convention City' was evidently built for entertainment and nothing else and succeeds 100 per cent. With a cast of names well chosen for their box-office attraction, plus good campaign material in the story, it can stand the strongest type of bally.

Story is written around the sales convention of a rubber company in Atlantic City. There's a thread of a yarn running through it, not too thick to interfere with a number of running gags and situations that kept the audience running the gamut of laughter from start to finish. Archie Mayo has contributed everything he knows about comedy direction to keep up the laugh average. Robert Lord has written a script that never lets down.

Adolphe Menjou, on the make for the company president's daughter, so that he may be promoted to sales manager, kicks around his chances when he takes the rap on a badger game frameup to save Guy Kibbee's reputation. Kibbee's wife tips off the Menjou spouse who is looking for a divorce and she catches him red handed with Joan Blondell, a gold digger. He tries hard to get back again with Patricia Ellis, the prexy's daughter and is about to succeed when Mary Astor, who loves Menjou, argues Miss Ellis out of him. At the convention, Grant Mitchell, the sanctimonious president, announces the new sales-manager, drunken Frank McHugh, who ran into the president while he was enjoying the company of 'Mae LaRue, Insect Exterminator, insects exterminated at all hours.'

Picture at all times is hanging on the border of the bandy but never goes over the line. Smart cracks are flipped around with lightning speed. No performance is outstanding. Everyone has his inning and everyone scores. For instance, Hugh Herbert runs all through the picture as a drunk, has less than a half dozen lines. Comes near copping the picture in the fadeout speech when he discovers he is attending the wrong convention. Menjou plays a fast talking, wise cracking salesman, a character unusual for him, gives a performance that should heighten his popularity. Same for Dick Powell in a similar part. Joan Blondell takes her share of the honors as the gold digger. Frank McHugh takes care of himself. Guy Kibbee and Ruth Donnelly as henpecked husband and bossy wife have their innings. Mary Astor, Hobart Cavanaugh, Sheila Terry, Gary Mitchell, Gordon Westcott, Johnny Arthur and Huey White are all fine in smaller parts.

Photography and sets are excellent, also the the cutting job of Owen Marks.

First National production for Warner release. Directed by Archie Mayo. Screen play by Robert Lord from the story by Peter Milne. Photographed by William Rees. Cast: Joan Blondell, Adolphe Menjou, Dick Powell, Mary Astor, Guy Kibbee, Frank McHugh, Ruth Donnelly, Patricia Ellis, Hugh Herbert, Hobart Cavanaugh, Sheila Terry, Grant Mitchell, Gordon Westcott, Johnny Arthur, Huey White. Previewed at Warners Beverly Hills Nov. 24. Running time 70 mins.

REPRINTED VERBATIM FROM THE NOVEMBER 25TH ISSUE OF "VARIETY DAILY"

Indianapolis Responding Slowly

Percentages, Film Types Raise Plaint

(*Continued from page 1*)

that never would, or should, have been and the exhibition situation eased to a point where the city might have gotten by.

Only it didn't happen. When Paramount was bowling along under the impetus of thriving trade winds, there came a time when this city came under scrutiny as a likely place for a Publix de luxer. As was the well defined practice in those days, a lease on the English block was closed, the word passed around; Lieber, worried over his investment in the Circle, propelled into a decision to build the Indiana to protect his other first run, and willy nilly, Paramount found itself where it wanted to be: with a theatre showwindow in Indianapolis.

Even the film inspectors along North Illinois St. today know the Indiana never should have gone up; that the city had enough theatres without it; that there wasn't enough trade around to keep existing houses full and, therefore, happy.

Indianapolis in these closing days of '33 has its troubles and knows there is nothing distinctive about that. It is loaded with double features, country stores, other types of giveaways, two-for-ones and all of the various and sundry theatre practices which have caused such wide differences of opinion elsewhere throughout the Middle West.

It has its relief rolls, its unemployment, its inability to dope out what pictures will click and what makes them click. It also has its neighborhood houses which, proportionately in view of capital investment, are better off than the downtowners, although it's difficult to nab anyone long enough to wring an admission of this.

In Indianapolis where the streets resemble the Deserted Village when nine bells ring out, the first runs find themselves in the peculiarly unsatisfactory spot of building business for the outlying houses while these outlying houses, as might be expected, simply sit back, take it and find the taking much to their satisfaction.

Half Dozen First Runs

The first runs are six strong here. The Indiana, good old white elephant, and the Circle, have passed through stirring times since Lieber originally operated them. There was a time when the Warners and Paramount figured in as partners. There was a time, too, when the Skouras brothers had them. Then came the national orgy in theatre receiverships and bankruptcies and both theatres wended their way back to the Lieber family which built them.

Now, the regime is Monarch Theatres, the five-house circuit operated by Milton Feld, Dave Chatkin and Harry Katz with Sam Katz in the picture as sponsor for "his boys." You can't find any proof, but the headache which is Monarch's today is plentiful and probably Feld, Chatkin, Katz et al would be just as pleased if they had never come into the town. As a matter of well-defined report, they may decide soon to call it a day.

In this 40-cent top city, except for the Indiana, which tries to get 55 cents for stage shows, Loew operates the 2,441 seat Palace and, like other operators around the town, finds business all right when the attraction is the real McCoy. Fred Dolle, who headquarters in Louisville, once had the Lyric which Charles Olsen now operates, while Dolle himself is sticking it out at the Apollo, close by the Claypool Hotel and, therefore, lucky enough to have one of the best locations of them all, if one of the poorest of drawing powers.

Indicative of the shortage of cash, coupled with which goes a fine-comb practice of shopping for quality, is the practice of all of these first runs to keep their morning and afternoon prices at a 25-cent level. They figure the ante must be kept low or business will turn even worse than it is.

Operating as a second run after four years of darkness and causing the operators after first run money some annoyance is Keith's, in which Ike Libson of Cincinnati is supposed to have an interest although the actual job of running the house is in the hands of the Switows of Kentucky. The Indiana, trying to get 55 cents chiefly on the strength of shows on the stage, finds itself compelled to view ruefully Keith's attempting to do ditto at a price 15 cents under its own and, obviously, doesn't think the situation is so hot.

Complain About Product

In the neighborhoods and throughout the state, as well, there is much dissatisfaction over types of pictures and the infrequency with which real attractions come along, although what there is new about it isn't quite apparent. Reflected largely through information filtering through the office of the Associated Theatre Owners of Indiana and over the desk of Charles R. Metzger, its business manager, is the opinion that producers are not turning out enough pictures of the family type to keep the homey folks satisfied. "We can't get by with six or seven hit pictures a year," is the general plaint of the small man, little realizing that the yell is just as loud and just as persistent elsewhere through the nation.

Exhibitor dissatisfaction is evident, too, over the increasingly pronounced distributor drift toward percentages. Theatremen declare they cannot see the justice in increasing the number of percentage pictures in good times unless the identical practice prevails in bad times. In an unorganized fashion and as part of no set campaign, it is their viewpoint that the guarantees, insisted upon in the sale of percentage pictures, constitute a normal flat rental anyway while the additional split merely sweetens the distributor's kitty. "We figure we do a certain amount of institutional business on Saturday, Sundays and holidays regardless of the calibre of the attraction. Why should we be compelled to turn those days over to the exchanges on 25, 30 and 35 per cent pictures, we ask you?" So the average unaffiliated theatreman talks in this neck of the woods.

The approximately 40 neighborhood houses in the city range from 10 to 15 cents in price scales, run no matinees except Sundays and are a stronghold for duals, 10 cent nights, giveaways and what have you. The argument for duals runs true to form here as elsewhere. Independents maintain it's a question of shows; that they can't afford flesh and blood drawing cards and know of no other way than attempt to drag 'em in by giving two features for the price of one.

Easy Approach

Indianapolis.—When "Jimmy" Grainger, as general sales manager of Fox, visited this town, self-described as "The Crossroads of the Nation," he found the exchange one step up on North Illinois St.

When Grainger, as sales manager for Universal, visits here now he enters the same building and merely walks upstairs. Very convenient.

Looking 'Em Over

"The Sin of Nora Moran"

(*Majestic*)

Produced and directed by Phil Goldstone, the plight of Nora Moran is recounted by Alan Dinehart through the flashback method. The effect of the story is weakened considerably by this method and the continuity is not smooth as a result. An audience at the Strand last night tried to keep track of the story, as did this reviewer, and found it a vexing problem most of the time.

When his sister comes to him complaining of her husband, Dinehart reveals the romance between Paul Cavanaugh and Zita Johann and how it ended with her going to the chair for the murder of John Miljan, a deed committed by Cavanaugh in self-defense. Conscious stricken, Cavanaugh commits suicide when, as governor, he failed to save the girl who would not disgrace him.

"Advice to the Lovelorn" opens at the Rivoli this morning. MOTION PICTURE DAILY *reviewed it by wire from Hollywood on Dec. 5.*

Reaction to NRA Coming Along Slowly

Upset are these men also on the protection situation. The first runs are accorded 60 days over all others and that, the independents claim, is unfair. Six months ago an effort was made to iron out the trouble on the basis of admissions with a 14-day clearance schedule for each class of house. Set to go through, the necessary signatures failed to develop with the result that the proposed zoning schedule is back where it started—on Metzger's desk. Now that the code has been signed, the general anticipation is the formula will become one of the first orders of business when Indianapolis' clearance and zoning board holds its first meeting sometime between now and perhaps Feb. 1.

They don't want tragic endings through this sector, but they do want slapstick of the Joe E. Brown variety. They laughed at the ending which Radio supplied for "Morning Glory" and wondered whatinhell Katharine Hepburn was all emotionally wrought up over anyway. Marie Dressler is a favorite as are Wheeler and Woolsey.

Father Confessor Metzger

One of the most interesting personalities along Film Row is Business Manager Metzger. He was once an exhibitor and a half partner in six local and Frankfort theatres. Today, his theatre activities are limited to a share of one local house in town in which he takes no operating voice. Attracted to the business through a long association, this Hoosier is a sort of father confessor to exhibitors and many exchangemen alike.

He is a lawyer, an author, a lecturer in dental jurisprudence at the School of Dentistry at the Indiana University; an assistant professor there who teaches five nights every week because he likes to expound in subjects having to do with economics, sociology and juvenile behavior. Like the alphabet government in Washington with its NRA, AAA, RFC and some more, Metzger has the right to pen after his name an M.A., a B.A. and an LL.B. His ideas on the film industry along his native heath are worth while.

For instance, it is his contention the neighborhoods here were forced into dual by some of the chiseling brethren in their own ranks and the lack of scruples on the part of some exchanges in selling twin bills wherever they could. He believes it would be well for theatres to close down three months every year in order to whet jaded entertainment palates with a desire anew to go to pictures.

He charges the business with a lack of good taste, declares it is constantly estranging once friendly groups, believes the danger of national censorship is growing apace and expresses his wonderment how, in view of the direction which he holds the industry

(*Continued on page 7*)

Rosenblatt's Job of Board Naming Begun

(Continued from page 1)

the public. While it is not believed that a determined effort will be made to secure strictly partisan boards, politically speaking, it is expected that where the choice lies between a Democrat and a Republican whose qualifications in other respects are similar, the former will get the post.

In investigating the trade nominees for board membership, business reputation and familiarity with the industry will be closely scrutinized.

Under the control arrangements in the code, a clearance and zoning board of seven members and a grievance board of five are to be set up in each territory. These boards will be located in the exchange cities of the respective territories, as follows: Albany, N. Y.; Atlanta, Baltimore, Boston, Buffalo; Charlotte, N. C.; Chicago, Cincinnati, Cleveland, Dallas, Denver, Des Moines, Detroit, Indianapolis, Kansas City, Los Angeles, Memphis, Milwaukee, Minneapolis, New Haven, New Orleans, New York, Oklahoma City, Omaha, Philadelphia, Pittsburgh; Portland, Ore.; St. Louis, Salt Lake City, San Francisco, Seattle and Washington, D. C.

In addition, there is to be an agency committee of 10 members and freelance and extra committees, the size of which has not been set. The clearance and zoning boards will require 224 appointments and the grievance committees 160.

Will Back Licensing

WASHINGTON, Dec. 12. — Repeal of those provisions of the Industrial Recovery Act authorizing the licensing of industries which fail to comply with codes will be bitterly contested by the Recovery Administration, it was declared today by General Hugh S. Johnson.

Sponsored by the National Ass'n of Manufacturers and other organizations, a movement is on foot to seek repeal of the licensing section when Congress meets next month.

To Test Code in K. C.

KANSAS CITY, Mo., Dec. 12.—An early test of the film code labor provisions is planned by the I.T.O. of Kansas City over the local operator dispute and by the I.A.T.S.E. operators' union.

Deputy May Go West

WASHINGTON, Dec. 12.—Expectations are that some time in January, the exact date not set, Deputy Sol A. Rosenblatt will make a trip to the coast in connection with the activities of his office under the code.

To Talk Code in Oregon

PORTLAND, Dec. 12.—A meeting of exhibitors has been called here for Dec. 18 by exchange heads to consider the industry code operation.

Vallee Reaches Coast

HOLLYWOOD, Dec. 12.—Rudy Vallee has arrived here to begin work in George White's "Scandals" for Fox.

Four New Plans in Wind For Revamping Old Roxy

Indianapolis Plods Along 'Mid Trouble

(Continued from page 6)

is drifting in its persistent production of salacious pictures, nothing is done about it.

Economically, this territory has been plodding along largely in the hope better times will come. In the western part of the state, coal strikes have brought out the militia. That hasn't helped. The NRA has developed no cheers and, in many parts of the state, the Blue Eagle has been thrown into the discard. Anticipating additional relief from the Federal civil works campaign, the unemployment percentage already has been cut 15 per cent.

The C. of C. Speaks

This end of the story is perhaps best told by Harmon E. Stokes, director of public relations of the Indianapolis Chamber of Commerce, whose conclusions are these:

"In October the Indiana University Bureau of Business Research estimated that there were 39,631 unemployed in Indianapolis, and during the same month there were approximately 11,550 relief cases in Marion County, most of which reside in Indianapolis.

"The general financial condition of the city is good, with the largest bank to get into difficulties reorganized and operating, having released 50 per cent of all its deposits.

"It appears safe to say that Indianapolis has responded a little more slowly than some other sections to the NRA, but conditions apparently have improved considerably at the present time over the spring and early summer in the point of employment and pay rolls.

"Repeal will probably not make as much difference in Indianapolis as in some other cities, due to the state law limiting the number of breweries and distilleries which may be operated within the state.

"Generally speaking, business is showing improvement in a number of different lines in Indianapolis, but due to the diversification of industry in this city, it is probably true that the improvement of any one line is likely to be modified in its effect on the city by regression in other lines. Indianapolis probably has suffered less from the depression than so-called 'steel towns' or 'automobile towns,' and it is possible that any pick-up here will be of a more substantial nature, but a little slower than in these other cities."

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Michigan Blizzard Delays Allied Meet

(Continued from page 1)

That Allied continue its opposition to Mid States, the Detroit buying combine; that it endorse the national managing committee's stand on the code, and that it retain H. M. Richey as general manager.

Leaders charged that M. P. T. O. A. money is being sent into Allied territory. All members were urged to rally behind the organization.

(Continued from page 1)

hand was approximately $128,000, after certain prepayments of $6,700, and recommended payment of $50,000 as part of back taxes. He added the theatre owed the city $218,000 in taxes and that, after Jan. 1, it will pay 10 per cent interest.

Rose revealed that if the theatre had been closed from May 5 to Nov. 9, charges accruing would have totaled $65,430. In continuing the receivership Judge Caffey praised Cullman for the work he had done. Israels agreed with Caffey on this.

The receiver's attorney also pointed out that the theatre has an agreement with RKO that if the 7th Ave. Roxy foregoes certain Universal pictures, it gets, in return, as many Radio pictures.

Opera Among Plans For the RKO Center

(Continued from page 1)

ests withdraw the house from RKO operation is reported to have been considered in the drafting of the new leases for both Radio City houses.

A clause in the lease for the Center reserves Rockefeller interests the right to withdraw the house from RKO at virtually any time.

Delay Local 306 Suit

Hearing of Local 306's $1,000,000 suit against the I. T. O. A. scheduled for yesterday in the Brooklyn Supreme Court has been put over until Friday.

Authority Meets in New York Dec. 20

(Continued from page 1)

will signify their acceptance of the code as provided by those paragraphs requiring adherence as a condition to securing the benefits of the grievance boards.

It is expected that among the questions to be discussed by the code authority will be that of finances. This now is being studied by the Recovery Administration with a view to developing a fixed policy to be applied to the administration of all codes, but suggestions have been made that producers and distributors be assessed on the basis of their volume of business and exhibitors subjected to a seating tax.

Both Dr. A. Lawrence Lowell, named by President Roosevelt as a government representative on the code authority, and Rosenblatt, who will be the second government representative, will attend the meeting, as will Marie Dressler and Eddie Cantor. The two actor-representatives, however, will be permitted to take no part in the proceedings unless questions affecting labor come up, their appointments being specifically for service only when labor problems are under discussion. If the third government representative is named prior to the meeting, he also will probably attend. In answer to questions today, however, Administrator Hugh S. Johnson said he had not yet decided upon this third member.

Wanger Signs New Pact

HOLLYWOOD, Dec. 12.—Walter Wanger has signed a new one-year contract with M-G-M. It starts Jan. 9.

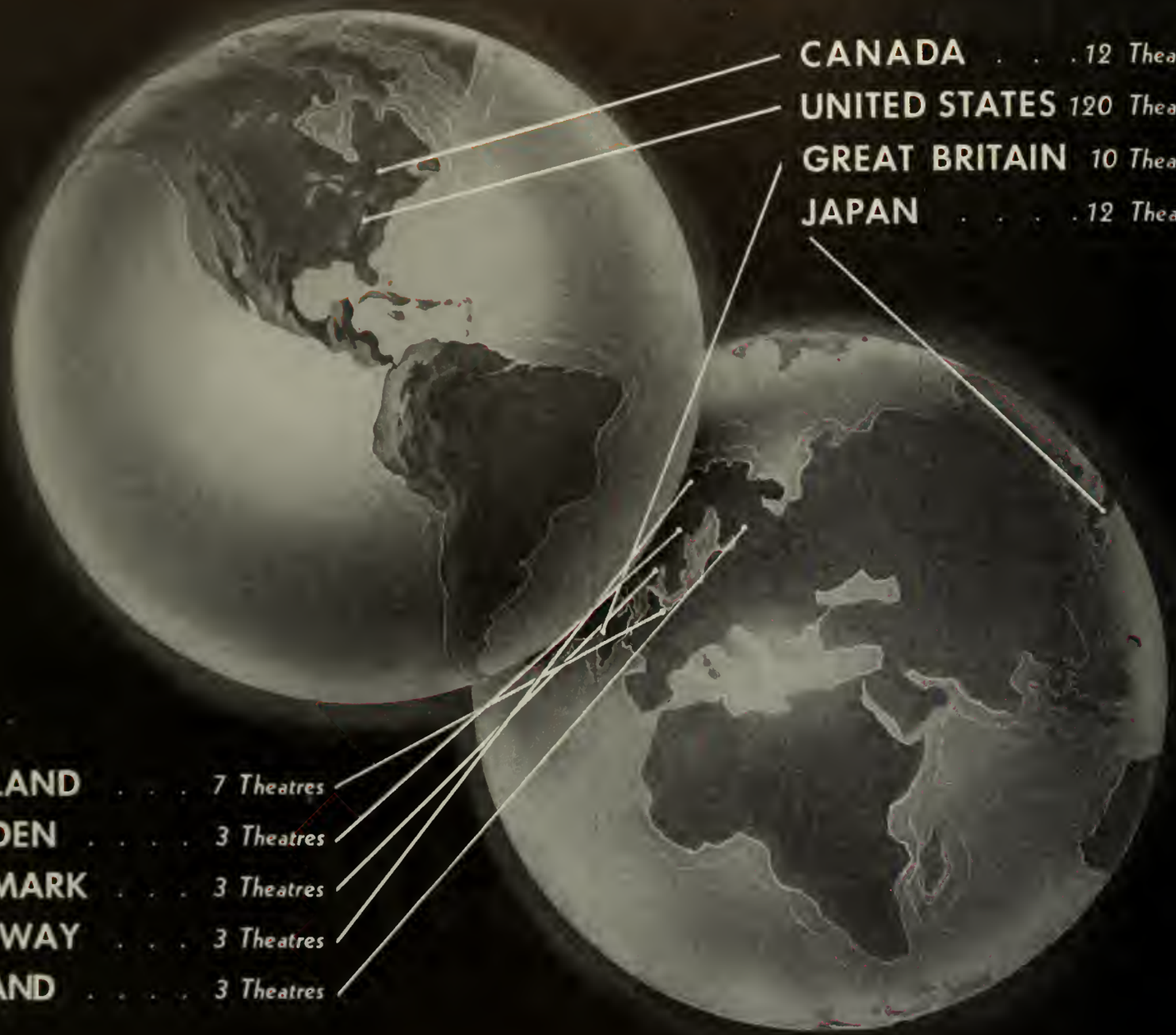
SIN—Can It Ever Be Right—Can It Ever Be Forgiven—Must It Always Be Punished?

WHOSE SIN?

"THE SIN of NORA MORAN"

A Majestic Exploitation Special

it looks like a big Christmas



PARAMOUNT'S "ALICE IN WONDERLAND

BOOKED IN THEATRES ALL OVER THE WORLD

FOR CHRISTMAS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 139 NEW YORK, THURSDAY, DECEMBER 14, 1933 TEN CENTS

Better Tone Claimed for Industry Ads

McCarthy Council Shows Results, Says Herald

Film advertising has been improved noticeably within the past three weeks as a result of the operations of the new Advertising Advisory Council headed by J. J. McCarthy, states the *Motion Picture Herald.*

Under the workings of the new arrangement all stills, ad layouts and exploitation materials are submitted to McCarthy for approval. He decides whether each company has lived up to the terms of the regulations recently agreed upon by a committee made up of John Flinn, representing the Ampa, Howard Dietz of M-G-M and S. Charles Einfeld of Warners. All the majors and many of the in-

(*Continued on page 2*)

Joe Goldberg Dead; Committed Suicide

Joseph H. ("Joe") Goldberg was found dead at 6:30 A. M. yesterday at a rooming house at 302 W. 51st St. According to Dr. Henry Weinberg, assistant medical examiner, it was a case of suicide by gas.

Police reported several gas jets were found open in the room which

(*Continued on page 8*)

Original Executive Order Lea's Idea, Says Johnson

WASHINGTON, Dec. 13.—Speculation as to the source of the original Executive Order virtually removing from the industry the self-regulation promised it but later assured it when General Hugh S. Johnson interpreted the text to the satisfaction of industry leaders, is now removed and the genesis of the plan traced to the office of Colonel Robert Lea, the Administrator's assistant.

According to Johnson, it was Lea who recommended that the right of the President to veto action of Code Authority should be more explicitly stated. This was the reason, according to the Administrator, that the Executive Order reserved the right to disapprove any action of Code Authority or any board appointed by it.

The order which created considerable disturbance in film executive ranks and which resulted in last Friday's interview with the President as

(*Continued on page 6*)

Film Outlook Held Good by Finance Paper

Major company economies which seem likely to have permanent benefits and recent improvements in theatre grosses are cited by *Standard Trade and Securities,* investment publication, as reasons for confidence in film securities.

"Gross revenues have improved steadily in recent months without benefit of higher admission prices," the report states. "Box-office receipts for the final quarter should fully equal those of a year ago, as compared with

(*Continued on page 8*)

Repeal Hits Popular Note In Cincinnati

CINCINNATI, Dec. 13.—Exhibitors and exchange managers alike in this area are agreed that repeal is going to help theatres as soon as people get the habit of dining out and having liquor with their meals.

The general feeling is that drinking with meals will be an inducement for dining out and that once people are out they will logically go in search of amusement.

"People have been demanding repeal so long," says W. C. Gerhing,

(*Continued on page 8*)

Names Sought To Help Code Board Choices

Woman May Be 3rd U. S. Member of Authority

WASHINGTON, Dec. 13.—Suggestions for appointments to zoning and grievance boards will be welcomed from all bona fide organizations in the industry, declares Deputy Administrator Sol A. Rosenblatt. He wants a large list of nominees so that the choice will be as wide as possible, he says.

It was stressed at NRA headquarters, however, that the organizations must be bona fide exhibitors or distributors, with a wide knowledge of the business, as it is the intent to see that all members are of the highest repute.

The remaining government member of the Code Authority, who will be selected from outside the industry, will be preferably somebody

(*Continued on page 6*)

New Costume Cycle Continues to Grow

HOLLYWOOD, Dec. 13.—A new cycle of historical costume pictures is under way. Joining the parade of "Catherine the Great," "House of Rothschild," and "Queen Christina" is "Elizabeth

(*Continued on page 8*)

Cochrane Pins Faith on Code; Warner and Bernhard On Good Films; Schulberg on Added Buying Power

By R. H. COCHRANE
Vice-President, Universal

Maybe the best way to size up the NRA and the code should be to ask ourselves, what if we didn't have them?

If we had not worked out a code, we would have to go on with endless bickering throughout the industry. We would continue to suffer from the same suspicions, the same fears, the same ailments which have nagged us for years. We would

(*Continued on page 6*)

By JACK L. WARNER
Vice-President, Warners

HOLLYWOOD, Dec. 13.—I believe 1934 will witness a greater response on the part of the public to real, outstanding entertainment than the box-office has felt for years. With the improvement in general conditions, the rewards that good pictures always reap are bound to be correspondingly greater.

Even during a year like the last

(*Continued on page 6*)

By B. P. SCHULBERG
Producer for Paramount

HOLLYWOOD, Dec. 13.—The industry cannot continue to function under the NRA conditions, unless the entire National Recovery Act movement succeeds.

The NRA can only increase the cost of making pictures without returning any proportionate compensation in the box-office quality of the product.

Likewise, the increase of compensa-

(*Continued on page 6*)

By JOSEPH BERNHARD
Gen'l M'g'r, Warner Theatres

In the beginning it was novelty that crowded theatres.

First, the novelty of motion pictures themselves. When that phase had passed because of the public's always increasing taste for something better, there began the cathedral era in theatre building.

For a time sumptuous decorations and rich atmosphere stimulated

(*Continued on page 6*)

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DeMille Favors Cut In Stars' Salaries

WASHINGTON, Dec. 13.—Cecil B. De Mille is in favor of star salary cuts. He said so upon arrival here today to adjust his income tax dispute with the Internal Revenue Department.

"Stars are getting too much money at present," he said, "and that makes it difficult for a producer to keep turning out pictures in proper style. "When the box-office justifies high salaries, then high salaries should be paid, but not now."

U. A. Wins Maryland "Blood Money" Test

BALTIMORE, Dec. 13.—Chief Judge Samuel K. Dennis of City Court reversed the censors' ruling rejecting "Blood Money" today after seeing the film, asserting "if the picture were left alone, it would very soon censor itself and pass out of circulation for lack of box-office receipts."

The jurist called it ineffective as an incentive to crime or immorality. The ruling of the censors had been appealed by United Artists.

Mack Sennett Files Personal Bankruptcy

HOLLYWOOD, Dec. 13.—Mack Sennett has filed a personal voluntary petition in bankruptcy. He lists $925,680 in liabilities and $1,600 in assets with $950 exempt for household effects.

This is said to be his answer to claims filed by Walter C. Durst, receiver for Mack Sennett, Inc.

Claim Better Tone For Industry Ads

(*Continued from page 1*)

dependents have agreed to the plan. Service is rapid, copy being returned to the companies within an hour.

So that the regulations will be applied from the studios on to the finished product. Flinn, on last trip to the coast, explained them in detail to publicity and advertising men out there.

"The council is definitely not a censoring body," says the *Herald*. "As a matter of fact, McCarthy, its guiding factor, has, since 1912, been conducting an independent and rather aggressive campaign against censorship.

"Obviously, the council could not function without the unstinted cooperation of the advertising and publicity directors on both coasts, and the encouraging accomplishments witnessed during the first three weeks are due, according to McCarthy, solely 'to the whole-hearted and unselfish co-operation of advertising heads and to the aid of the executives of the companies who have devised the machinery for creating this new standard.'"

McCarthy not only believes the new plan, which supplants the Hays code of 1930, will head off "blue nose" censorship from outside the industry, according to the *Herald*, but he is also convinced that it has economic advantages.

"There are more people in the country today who do not patronize motion pictures than those who do," McCarthy is quoted as saying. He continues: "If this be true, it appears quite reasonable to suggest that we go after that vast audience of inactive picturegoers, and the very first method that should be used is clean advertising, to appeal directly to the many thousands of decent living families who have virtually been driven from our theatre doors by advertising in bad taste.

"Objectionable advertising has no place in the motion picture industry. Except for the possible influence of current business conditions, motion pictures can still be sold to the public decently and profitably. I have never believed that merchandising of sex is essential to consistently good box-office results."

A New Face

Meeting Hollywood's future need for new faces, Nicholas M. Schenck, not to overlook Mrs. Schenck, did his bit again for the industry yesterday when a baby girl, the third, arrived in this world in conjunction with another snow storm.

The newly born's sisters are Martha, age five, and Joan, age one year and three months.

Cochrane Brothers At Rites for Sister

All but one of the Cochrane brothers will attend the funeral of their sister, Mrs. L. K. Merrill, formerly of New Rochelle, who died in Toledo Monday. The funeral will be held today at the home of another sister, Mrs. George L. Chapman, 21 Bronson Place, Toledo.

Mrs. Merrill's death is the first break in a family of two girls and six boys, most of whom are in the film business. Those who will attend are P. D., R. H., and George Cochrane of Universal, Witt K. Cochrane of the Cochrane Advertising Co. of Chicago, and Negley D. Cochrane of the Scripps-Howard newspapers. Tom Cochrane, the brother who cannot attend, is on his way back to Japan where he is in charge of theatre operations for Paramount.

Ferde Grofe at Ampa

Ferde Grofe, composer, will head the talent lineup at the Ampa today. Others scheduled to attend are the Don Hall Trio, Ham Fisher, cartoonist; Frank Parker, tenor; Harry Goetz, president of Reliance, and Harry Hershfield, president of the reorganized Cheese Club.

John Flinn will preside.

Daugherty Quits Warners

HOLLYWOOD, Dec. 13. — Frank Daugherty has handed in his resignation at Warners, concluding a three-year relationship with the studio publicity department.

Horne Calls Off Trip

Hal Horne has called off his trip to the coast. He had planned to visit his daughter in California around Christmas time.

Stocks Slump in Falling Market

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	26¾	26	26¾	— ⅞	300
Consolidated Film Industries, pfd	9⅞	9¾	9¾	.....	500
Eastman Kodak	82¼	80½	81¾	—1¼	900
Loew's, Inc.	32½	31⅝	32	.....	1,900
Loew's, Inc., pfd	72	72	72	+1	200
Paramount Publix	2⅛	1⅞	1⅞	— ¼	8,900
Pathe Exchange	1⅞	1¾	1⅞	— ⅛	600
Pathe Exchange "A"	12½	11¾	12	— ¼	2,500
RKO	2⅝	2½	2½	+ ⅛	700
Warner Bros.	6½	6	6	— ⅜	9,100

Technicolor Shows Slight Gain

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	¼	¼	¼	.....	200
Technicolor	9½	9	9½	+ ⅜	1,200

Paramount F. L. Bonds Drop Two

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	3¼	3⅜	— ⅝	27
General Theatre Equipment 6s '40, ctf	3⅜	3	3	— ½	8
Loew's 6s '41, ww deb rights	82	80¼	82	.....	25
Paramount Broadway 5½s '51	31	31	31	+1¾	6
Paramount F. L. 6s '47	30	28	28	—2	4
Paramount Publix 5½s '50	29⅛	228½	28½	.....	14
Warner Bros. 6s '39, wd	42½	41	41½	— ¼	77

Purely Personal

AL CHRISTIE will direct another Educational comedy featuring STOOPNAGLE and BUD at the Eastern Service Studio this week. This story has been written by WILLIAM WATSON and SIG HERSIG.

GERTRUDE H. SILLEG, MORT BLUMENSTOCK'S secretary, is entered as a mannequin in the Bronx County Fashion Revue which takes place at the Concourse Plaza, Dec. 14-15.

KAY FRANCIS left Hollywood by plane for New York yesterday to spend the Christmas holidays with her husband, KENNETH MCKENNA.

EDDIE GOLDEN returns from Milwaukee today. He was due to return yesterday, but couldn't make it.

HOWARD S. CULLMAN returns from Hartford today after a brief visit to his tobacco warehouse.

ERNEST B. SCHOEDSACK has gone back to the coast by plane after a four-day visit here.

GROUCHO and CHICO MARX arrived in town yesterday from Hollywood.

PETER FREUCHEN, author of "Eskimo," left for the coast last night.

FRED MCCONNELL is en route to New York from the coast.

D. A. DORAN has reached New York from Hollywood.

SAM JACOBSON is in town from Hollywood.

ROY MACK celebrates another birthday today.

General Gets New Series

General Pictures Exchange has acquired the distribution rights to Pyramid Production's series of 12 features, the two reel novelty "Freak Fish," and "Found Alive."

Moe Kerman is now in charge of the Brooklyn and Long Island territories, and Norman Elson is handling the New Jersey sales.

Harrower Improved

Jack Harrower's condition last night was reported improved at the Yonkers General Hospital following a blood transfusion. *The Film Daily* columnist is ill with a stomach ailment.

Given to Film Center

Herbert W. Given, Inc., has leased space on the sixth floor of the Film Center Building, and will set up his New York exchange there in the near future.

Warners Go to Duals

LOS ANGELES, Dec. 13.—Warners' Hollywood and Downtown go to double bills Thursday with "From Headquarters" and "Disraeli."

Cedar in Radio Center

Ivan E. Cedar, European producer, has taken office space in the RKO Building in Radio City.

A NEW SHORT SUBJECT

that's a

HOWLING SUCCESS!

Remember how Leo topped the Short Subject lists with his clever "Dogville Comedies"? Remember how he followed through with "Fisherman's Paradise" They were the sensational short subject series of their day. Now he repeats with the last word in lovely lunacy!

LEO, THE LAUGHING LION

presents the newly born
M-G-M Comedy Series

"GOOFY MOVIES"

ONE ROARING REEL EACH

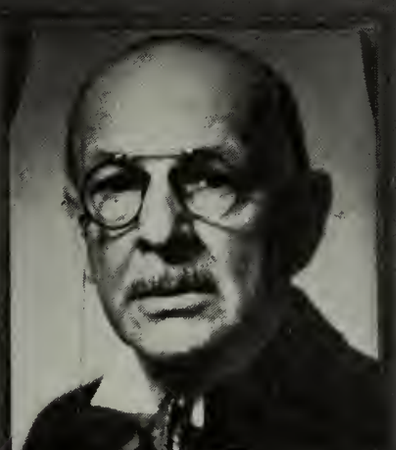
Talk by Pete Smith, the Mad Chatterer

FIRST DELIRIOUS
RELEASE DEC. 23d

IT'S SMART TO BE "GOOFY"!

With ALICE WHITE, Alan Dinehart, Eugene Palette, Henry Armetta. Story by Stanley Ruh. Produced by Carl Laemmle, Jr. Presented by Carl Laemmle. ANOTHER clicker from UNIVERSAL
Lew
CROSS CO

Get ready for the ride of your life . . . on a speeding bus packed with romance, laughs, thrills, action and drama!



AYRES *in*
UNTRY CRUISE

WITH

JUNE KNIGHT

Names Sought To Help Code Board Choices

(Continued from page 1)

with no acquaintance whatever with the industry, it was stated.

Possibilities that the third government representative will be a woman were today discussed in Washington for the first time. Newspaper stories have suggested that Frances M. Robinson, assistant to Johnson, might be given the appointment, but these are not considered seriously, particularly in view of the fact service on the authority carries no salary. However, it was indicated the field is being widely surveyed and the interest of the women of the country in the industry, it is understood, is being given consideration.

It has been suggested that such an appointment would meet with widespread approval among the nation's women, who have taken a prominent part in the fight for moral improvement of pictures. At the same time, representatives of the industry are said to feel that such a step would have a quieting effect upon agitation for better pictures, which increased materially while the code was under negotiation.

If the third government representative is a woman, the probabilities are she will be an outstanding figure, either in public life or in educational circles. A number of names are understood already to have been suggested.

In the near future, it was made known, the Code Authority will appoint a committee to investigate hours of employes engaged in production units, not with respect to wage scales, which are fixed in the code, but in reference to the overtime provisions.

Although reports from the west coast declare that a large number of houses are dropping vaudeville because of the onerous exactions of the code and that a number of acts have been stranded, it was said at the Recovery Administration that no complaints whatever have been received along this line.

With all controversies over the code out of the way, it was learned, the three big producing companies which had heretofore refused to sign the code have expressed their willingness to accept it. The companies were Columbia, 20th Century and United Artists.

NRA Reserves Rule Upon Skouras Case

A ruling on a complaint to the local NRA compliance board yesterday, made by Local 118, Building Service Employes' Union, alleging that Skouras's Academy of Music had discharged a janitor for becoming a member of the union, was reserved until today. The NRA compliance board declined to make a statement following yesterday's hearing.

A similar charge will be filed early next week against Randforce Amusement Co. by Local 118, on the allegation that Thomas Palmesi, a janitor at the Republic, Brooklyn, was discharged Dec. 6, after joining the union.

Pin Faith on Code, Good Films and Buying Power

By R. H. COCHRANE

(Continued from Page 1)

be annoyed, irritated and stirred up by the professional stirrers-up who have been making a living out of stirring up unnecessary troubles for a long time.

They got by with this in the past because there was no practical way by which they could be shown up.

But now we have a code. Under this code, troubles of every sort will have a place to air themselves, whether in a local board or before the Code Authority. Real troubles now have a place where they can find redress. Fake troubles will be thrown out of the window.

If the code is properly administered, every element in the picture business should work more harmoniously than it ever has worked with every other element. If it is not administered properly, those who are responsible for failure should be kicked out of their jobs.

By JACK L. WARNER

(Continued from Page 1)

one, good pictures filled the theatres in the face of the most discouraging conditions. Neither depression nor a bank moratorium could stop the public response to a picture like "42nd Street." Its success was a healthy stimulant to business in many other lines.

There is no special "trend" in popular taste, no demand on the part of the theatregoers of the country, except for the best possible entertainment. If the entire industry will respond to the incentive that exists today to create good pictures, any other problems the business may be confronted with will take care of themselves during the months to come.

By B. P. SCHULBERG

(Continued from Page 1)

tion to labor will not bring about the same proportionate result of increased consumption as is the case in other industries. Firstly, because the increased buying power derived from increase in compensation to studio labor is limited to one city, Los Angeles, and secondly, because men who work in studios in the making of motion pictures are not inclined to spend their leisure in watching motion pictures.

The return can only come, therefore, from an increase of buying power throughout the country.

The industry, though, in my opinion, is performing a great patriotic service in complying so whole-heartedly in this phase of President Roosevelt's recovery program.

By JOSEPH BERNHARD

(Continued from Page 1)

business. But the public soon adapted itself to the new luxurious home of the motion picture. With keen theatre competition to enlighten the patrons, they no longer had to search for the novelty of gorgeous surroundings. But novelty entertainment was still elusive and oftentimes remote.

Sound was hailed as a new force in 1928. But five years of sound prove that the device has long passed its novelty period. An ever-wiser public still selects the best and ignores the others.

In lieu of making a prediction for 1934, I would like to make a wish—a wish for the continued succession of good pictures.

It means giving a jaded public taste the novelty element in comedy and drama which is lifeblood to the theatre.

Original Executive Order Lea's Idea, Says Johnson

(Continued from page 1)

well as a more explicit interpretation by Johnson the following afternoon created considerable speculation in New York where opinion as to the sponsor for the idea fluctuated between the President and Johnson.

At any rate, in his letter of transmittal which accompanied the code and attendant papers to the President, Johnson practically covered the same point which ultimately appeared in the Executive Order made public on Nov. 27.

He recommended, apparently on Lea's recommendation, that the Administrator (meaning Johnson himself) retain the right to disapprove any of Code Authority's "acts or the acts of any committee appointed by it; and that the Administrator further have the right to remove any member or alternate from membership upon said Code Authority and to appoint his successor, if such shall be deemed advisable, and to add members to said Code Authority from any employer class in the industry, should the same be advisable."

Johnson's letter also suggested indefinite suspension of the clause imposing a $10,000 fine for payment of "unconscionable" salaries, whereas the President decreed such clause "shall not become effective pending further report from the Administrator after investigation."

The memorandum of interpretation, issued on Saturday, however, made it clear the industry is to regulate itself and dissipated the thought that Johnson proposed setting himself as a board of review.

Allen Joins Warners

Wallace Allen, formerly with Loew's in the Bronx, has joined Warners as city manager in Elmira, N. Y., under Ralph Grabill, district manager for upper New York State.

MPPDA Directors Meet

The regular quarterly meeting of M. P. P. D. A. directors was held yesterday. Only routine business was transacted, it was stated following the meeting.

New Policy On Code Laid Down by Allied

GRAND RAPIDS, Mich., Dec. 13.—The National Managing Committee of Allied today outlined an "entirely different" policy to govern future action. Abram F. Myers hinted the organization will test the validity of the code in the courts. He asserted Allied would continue to fight the independents' battle. He said there were three choices: sign, don't sign at all, or sign with the reservation to question the legality of the code or the acts of the code authority. Myers decried General Hugh S. Johnson's interpretation of the Executive Order giving the administrator the right to reconsider the decisions of the code authority or change its personnel.

Allied expressed its objection to any code compromise in its latest bulletin. Modification of the Executive Order is held to make the lot of the independent "all the more perilous."

"The producer-controlled boards are authorized to establish protection schedules in all competitive areas," the bulletin reads. "Based on experience and knowledge of human nature, it is not to be supposed that these schedules will not afford the maximum of protion to the affiliated houses."

Officers of the Michigan unit were re-elected as were members of the board. Now directors named were Sam Brown, Detroit; G. R. Goodrich, Grand Rapids, and James Minter, Flint.

Dubinsky's Row to Go to Labor Board

KANSAS CITY, Dec. 13.—The long standing argument between the Dubinskys and the operators' union is to be carried to the National Labor Board as a result of the union's charge that the theatre operators are violating the code in St. Joseph.

Dubinsky demands a reduction of manpower in booths in the current contract negotiations for the Regent and Liberty. The Independent Theatre Owners' Ass'n. is backing Dubinsky because city wide suburban contracts expired Nov. 30 and have not been renewed.

Chadwick Brings Print

I. E. Chadwick, president of Chadwick Productions, Inc., is in New York from California. He brought a print of "Wine, Women and Song," the first of his four for this season.

Krieger Back from Trip

Lester Krieger, western division buyer and booker for Warner theatres under Clayton Bond, has returned from a trip to Milwaukee, Chicago and Cleveland, where he conferred with district heads on new picture deals.

Wampas Will Continue

HOLLYWOOD, Dec. 13.—The Wampas, after a stormy discussion, have decided to continue and to force delinquent members to pay up by Jan. 15. Those failing to do so will be dropped.

Says MOTION PICTURE DAILY: "SMOKY WILL UNDOUBTEDLY PLEASE ALL CLASSES OF AUDIENCES...

"A classic of the romantic west with a balance of drama, comedy, and romance blending horse interest with human interest. Not a 'horse opera' or even what the trade knows as a western."

IDEAL HOLIDAY SHOW

SMOKY

with

Victor JORY
Irene BENTLEY
and
Will JAMES

Directed by Eugene Forde

• Read by a million

JOIN THE UPSWING WITH FOX

Your patrons always like FOX MOVIETONE NEWS

Repeal Hits Popular Note In Cincinnati

(Continued from page 1)

Fox manager, "that they are naturally pleased over their success. This loosens up money, and theatres naturally get their share."

Paul Krieger, Universal manager, looks at it from the increased employment angle. "Increased employment and greater purchasing power are a natural result of repeal," he says.

"Entertainment is a logical after-dinner diversion," says Alan Moritz, Columbia manager. "More people are going to dine out as a result of repeal and the more they dine out the more they will go to theatres."

Round Table Awards To Be Made Monthly

A monthly and an annual award for the best theatre exploitation campaigns will be made during 1934 by the Managers' Round Table Club of *Motion Picture Herald.*

A committee of judges composed of executives of different branches of the industry will award a plaque monthly for the best campaign submitted by a theatre manager anywhere, whether a member of the Round Table or not; the campaign to have been used during the preceding one month period. The Martin Quigley Grand Award will be given for the exploitation campaign selected by the judges as the best during 1934.

New Costume Cycle Continues to Grow

(Continued from page 1)

and Mary," just purchased by Carl Laemmle, Jr., for January production. Lowell Sherman will direct and may also act.

United Artists is planning to release "Catherine of Russia," an English production, and Katharine Hepburn is scheduled to make a costume picture when she returns here in the spring.

Joe E. Brown Re-Signed

HOLLYWOOD, Dec. 13.—Joe E. Brown has been given a new five-year contract by Warners with an increase in salary.

Going on Vacation

George Brown of Columbia sails Dec. 21 on the *Lafayette* for a Caribbean cruise.

No More "Ginger"

Hollywood, Dec. 13.—Radio has decided there is something comic about "Ginger," so the studio is about to amputate the spicy first half of Miss Rogers' name.

Dramatic roles are being lined up for her and the studio figures she ought to have a serious name to go with her new screen personality. Suggestions are being called for.

Looking 'Em Over

"Golden Harvest"

(Paramount)

The recent farm strike in the Middle West inspired the plot of "Golden Harvest," a simple film that is quite effective at times, especially when it shows scenes of the wheat pit in the Chicago grain exchange and the sweeping landscapes of the wheat country of the nation.

Richard Arlen and Chester Morris are cast as sons of a big wheat farmer. The one is set on carrying on the family tradition; the other, loathing a future on a farm, looks for higher things in Chicago. Morris becomes a leading trader in the pit and eventually loses his shirt when he insists upon sticking with Arlen in the latter's efforts to boost the price of wheat through the instrument of a farm strike. The film provides a happy ending when the father of the wealthy gal he marries takes him in as a partner.

Arlen and Morris give good account of themselves. Genevieve Tobin, as the latter's bride, is effective. Another who does capably is Burton Churchill as the father of the two men.

This is a family picture that can give offence to no one. An additional asset is a brand of homey humor ladled out principally by Roscoe Ates.

"Should Ladies Behave?" which opens at the Capitol tomorrow, was reviewed by MOTION PICTURE DAILY *from Hollywood on Nov.* 18 *under its former title, "The Vinegar Tree."*

"The Right to Romance," today's opener at the Music Hall, was covered on Nov. 22.

Randell New Head Of N. Y. Film Board

Henry Randell of Paramount was last night elected president of the New York Film Board of Trade at its annual election as successor to Robert S. Wolff of Radio. Leo Abrams of Universal was elected first vice-president, succeeding Randell. Harry Hummel of Warner-First National was chosen to succeed himself as second vice-president. Jack Bowen of M-G-M was re-elected treasurer, while Harry Decker of Warner-First National was continued as secretary. Edward Schnitzer of Columbia was retained as sergeant-at-arms.

LeRoy Is to Direct "Anthony Adverse"

HOLLYWOOD, Dec. 13.—Mervyn LeRoy's first following his return from his honeymoon trip to Europe will be "Anthony Adverse," to be produced on the scale of "Grand Hotel" with an all-star cast. Warners are said to have made an exceptionally attractive offer to Hervey Allen, the author, to come here to supervise the script.

LeRoy gets into New York today.

Halper Expected Shortly

Lou Halper, manager of the Pacific Coast theatres for Warners, is expected in New York next week to attend the wedding of Mervyn LeRoy and Doris Warner on Jan. 2. Charles and Mrs. Einfeld arrive from Hollywood today and Paul Muni is due tomorrow.

Arthur Due in L. A.

LOS ANGELES, Dec. 13.—Harry C. Arthur arrives here Friday from San Francisco for conferences with Spyros and Charles Skouras and Louis Cohen relative to theatre deals for F. & M.

Brand Leaving New York

Harry Brand plans to leave for the coast today.

Joe Goldberg Dead; Committed Suicide

(Continued from page 1)

Goldberg apparently had hired the night before he took his life. A police examination was conducted on the premises and later the body was removed to the Riverside Memorial Chapel where services will be held at 2:30 o'clock this afternoon.

J. H. Goldberg

Goldberg, well known and well liked, was about 40 years old. He first gained prominence in the East when he became general sales manager of Columbia about four years ago. He joined that organization from Fox West Coast where he was film buyer. Upon termination of his Columbia contract he joined Walter Futter and later, with Futter and Herbert R. Ebenstein, formed Resolute Pictures. When this venture failed to materialize, Goldberg joined J. C. Bachmann as sales manager of a series of pictures which Bachmann plans to make for state right release.

Jack Bellman of Hollywood Exchange spent the greater part of Tuesday afternoon discussing titles with Goldberg, who was slated to leave for Hollywood the end of this week.

No reason for the suicide was known to the police, but friends yesterday recalled he had been suffering constantly from very severe headaches. He is survived by his widow.

Mae West Goes on Air

HOLLYWOOD, Dec. 13.—Mae West made her radio debut tonight over the Pacific Coast NBC network in behalf of the Community Chest Drive which is $500,000 short of its quota.

Film Outlook Held Good by Finance Paper

(Continued from page 1)

estimated deficiencies of 10 per cent for the third quarter and 20 per cent for the first half."

It is also pointed out that foreign exchange fluctuations have increased returns from that source.

"The new industry code is not expected to necessitate any drastic adjustments among the major producers," the bulletin goes on.

Attention is called to the last Loew's statement and the improvement in the Warner financial position; to the Fox reorganization, and the pending reorganizations of Paramount and RKO.

"Relieved of the atmosphere of panic and confusion which, until recently, overhung a financially distracted industry, major studios have turned out pictures of outstanding merit in recent months," the bulletin continues.

"Widespread expansion of public purchasing power likewise has played an important part in stimulating box-office revenues. Gains in attendance have not matched the advance in mass purchasing power, but this indicated lag is viewed as entirely normal and suggests that the industry has not yet realized the full potentialities of the increase in consumer income."

McCoy Off Westerns, Plans Action Films

Tim McCoy is off westerns for the future and will devote his time to making pictures with stories dealing with secret service, airplanes and automobiles.

He says he will continue to make eight a year for Columbia for the next three years. He will leave for the coast next week.

Report Hoblitzelle To Spend $250,000

DALLAS, Dec. 13.—Karl Hoblitzelle is considering plans for construction of a $250,000 theatre in Spanish Village, Highland Park West, it is learned on good authority. Erection of other houses in Oak Cliff, South Dallas and possibly in Oak Lawn may follow.

Charles Yeager Resigns

DENVER, Dec. 13.—Charles Yeager has resigned as district manager for F. W. C. and will devote his time to selling his "Bank Night" idea to theatres.

Roxy Signs for Sale

After having enjoined the RKO Roxy from using the name, Howard S. Cullman, receiver for the 7th Ave. Roxy, has received an invitation to buy the signs which have been removed from the Sixth Avenue house. Cullman has not decided yet whether he wants the signs.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 140 NEW YORK, FRIDAY, DECEMBER 15, 1933 TEN CENTS

Federal Film Cartel Viewed As Possibility

Cooper Plans 40 to 52 for Radio's List

Intends to Concentrate Upon "A" Product

A minimum of 40 and a maximum of 52 pictures will be recommended for Radio production next season, Merian C. Cooper, executive producer, said yesterday. He declared the company's aim would be to produce only "A" pictures, with present plans calling for elimination of all "cheap" pictures, or "quickies," from the company's schedule.

In detailing his production ideas Cooper frankly credited David O. Selznick, whom he succeeded as ex-

(Continued on page 4)

M-G-M Net on Year Totals $1,326,827

Net profit of $1,326,827 for the year ending Aug. 31 is shown by M-G-M in its consolidated balance sheet made public yesterday.

This compares with a profit of $2,965,974 for the period ending Aug. 31, 1932, but it was realized on a total income which was approximately $5,000,000 less for the period of the current report than for the corre-

(Continued on page 4)

Studios Train Stock Players And Chorines

HOLLYWOOD, Dec. 14.—A survey of the number of players under contract to major studios in the junior stock and chorus girl groups shows a total of 43 in the former division and 72 in the latter. Salaries for the stock players average from $50 to $300 per week with options ranging over a period of four months to six months. Chorines, which are the pick of the town, range from $75 to $125 per week with options rarely extending over a four-month period.

Warners lead the field for number of stock contractees with 11 stock players and 40 line girls. Fox lists eight stock players and 24 chorus girls. Samuel Goldwyn has eight girls under contract, which he has selected from the large army of line girls used in the last two Eddie Cantor musicals. These were selected by Goldwyn for their potentialities of developing into worthwhile screen personalities.

Roach has four girls under contract, whom he terms starlets. They receive

(Continued on page 4)

Johnson to Quit?

The *Daily News* in a dispatch from Washington today states NRA Administrator Hugh S. Johnson "is about to quit" and "within a week he will reveal he is about to move into a new position created by President Roosevelt, a position which may give him the title of Counsel of National Defense."

Warners First to Make Soviet Deal

Warners have made a deal, probably the first among the majors, for distribution of their product in Russia. The agreement, signed by Sam E. Morris, vice-president in charge of foreign sales, with Amkino's New

(Continued on page 2)

Federation to Map Out Financing Plan

Plans for reorganizing the membership and financial structure of the Federation of the M. P. Industry along permanent lines will be dis-

(Continued on page 2)

Communications Merger May Be Followed by Others, Is Belief

WASHINGTON, Dec. 14.—Suggestion to the President by an inter-departmental committee headed by Secretary of Commerce Roper that wire and radio communication companies be merged into monopolies operating under strict governmental supervision today was seen in some quarters here as presaging a movement by the government for the cartelization of the film and all other American industries.

The report of the committee, of which Senator Dill of Washington and Representative Rayburn of Texas, chairmen respectively of the Senate and House Commerce Committees, are members, following adoption

(Continued on page 4)

Exchanges Here to Have Code Session

All local exchange managers, salesmen and bookers will meet next Wednesday afternoon to discuss various phases of the industry code. Robert S. Wolff, president of the New York Film Board, will preside at the meeting and Louis Nizer, secretary, will analyze the clauses.

Hays Stresses The Need for Family Type Entertainment; Morris, Butterfield and Kahane Express Faith in 1934

By WILL H. HAYS
President, M.P.P.D.A.

The motion picture industry enters the new year prepared to take its place in the van or reviving industrial recovery.

Through the code approved by the President of the United States, the industry has contributed its portion to increased wage rolls, to the creation of additional employment by the reduction of working hours, to broader industrial co-opera-

(Continued on page 4)

By SAM E. MORRIS
Gen'l M'g'r, Foreign Dep't, Warners

There is no question about the popularity of American pictures in almost every country in the world, and this popularity may be said to be increasing as we continue to make better product and more aggressively exploit our films in foreign countries.

We have been forced to overcome many and serious handicaps during the past year, and do not

(Continued on page 4)

By W. S. BUTTERFIELD
President, Butterfield Theatres

MIAMI, Dec. 14.—I am willing to make the statement that the outlook is better for 1934. Producers and the distributors (which are now all one) begin to realize that the exhibitor knows a little bit about what kind of pictures the public wants and it begins to look like the three interests have begun to pay a little attention to each other. All business of any kind, as

(Continued on page 4)

By B. B. KAHANE
President, Radio Pictures

HOLLYWOOD, Dec. 14.—Cautious optimism seems to me a good gauge with which to measure any prediction of business prospects for the motion picture industry during 1934, as it will be operative under the NRA code.

Paraphrasing Patrick Henry, I say, if this be a code, let us make the most of it! There have been numerous objections and

(Continued on page 4)

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Monogram Plans Two More Offices Abroad

Monogram plans to open offices in Vienna and Berlin, Norton Ritchey, handling foreign activities for the company, stated as he sailed for London, where he will meet Arthur Levy, representative in England, and then go to Paris to confer with Frank Bates, in charge there.

From Paris he will head for Vienna, then Berlin and probably visit Prague. Ritchey will be gone about two months. He is taking with him prints on "He Couldn't Take It" and "16 Fathoms Deep."

C. H. Burkey Celebrates

KANSAS CITY, Dec. 14.—The local trade is felicitating Charles H. Burkey, who is celebrating his 25th anniversary as owner and manager of the suburban Summit. This is believed a record in this territory. Burkey built the house and opened it Dec. 12, 1913.

Fox Holds Miss Harvey

HOLLYWOOD, Dec. 14.—Lilian Harvey has had her option extended for another year by Fox. Miss Harvey's first under the extended contract will be "Lottery Lover," with Paul Martin directing. This will be their first picture together in this country.

Try Von Herberg Kidnap

PORTLAND, Dec. 14.—John Von Herberg, 18-year-old son of the theatre operator, figured in a kidnaping plot intended to extort $50,000 in ransom. The plot was frustrated by U. S. Department of Justice officials.

Looking 'Em Over

"Jimmy and Sally"

(*Fox*)

James Dunn fans, in all probability, will like him as the cocky publicity director of a meat-packing concern who manages to hold on to his job because of the ideas fed him by his secretary and sweetheart, Claire Trevor. He ultimately loses it, leaves town and resolves to start all over again. When he returns, Dunn finds Miss Trevor engaged to Harvey Stephens, general manager of the company. Dunn is offered a job under her, refuses it, but when Miss Trevor tells him she really loves him and now is the time to start a clean slate, he takes it as she decides to give up Stephens' ring for Dunn's.

Previewed at the 7th Ave. Roxy last night, the audience seemed pleased. Dunn is up to his old tricks again and Miss Trevor lends competent support.

Warners First to Make Soviet Deal

(*Continued from page* 1)

York office, provides that pictures selected by Amkino here will be shipped to Moscow. If they are approved by Soviet officials they will be distributed in that country.

"Cabin in the Cotton" is the first picture to be shipped.

Deals with other companies are pending, it was stated at the Amkino offices yesterday.

Joe Goldberg Cremated

Funeral services for Joe Goldberg, who died early Wednesday morning, were held at the Riverside Memorial Chapel yesterday afternoon and were attended by many well known film men. A delegation of Masons representing Truth Lodge, Los Angeles, of which Goldberg was a member, participated, among them Jack Cohn, Lou Weinberg, Eugene Picker, Abe Montagne, Edward Schnitzer and Morris Kutinsky.

The remains were cremated at the Fresh Pond Cemetery in Queens.

A. F. Baker's Wife Dies

KANSAS CITY, Dec. 14.—Passing away after a lingering illness, Mrs. Charlotte Baker is survived by her husband, A. F. Baker, manager of Grubel Theatres and president of the KansasMissouri Theatre Ass'n. and a son, George S. Baker, manager of the Newman here. Burial was in Kansas City, Kan.

Federation to Map Out Financing Plan

(*Continued from page* 1)

cussed at a general meeting of the independent producers' and distributors' organization at a date to be set in the near future, it was learned yesterday.

The organization heretofore has depended on members' contributions for its financing, but under plans to be submitted at the general meeting a permanent financing arrangement will be created. This may involve an assessment on members in proportion to the amount of their monthly or annual business, although other plans are expected to be advanced. A membership drive to obtain full representation of independent producer-distributor ranks for the Federation will be mapped.

Ampa Plans Big Party

The A.M.P.A. next Thursday will hold a gala luncheon at the Astor with the entire industry invited to attend. Yesterday's session found John Flinn, president, back on the job after a coast trip and he reported cooperation of the Wampas on activities of the New York association. Guests included Harry Hershfield, Chester Erskine, Harry Goetz, Ham Fisher and Ferde Grofe.

Design New Arc Lamp

TOLEDO, Dec. 14.—A new projection arc lamp, designed to provide increased light and lower operating cost, has been introduced by the Strong Electric Corp., of this city.

Trading Light on Big Board

	High	Low	Close	Net Change	Sales
Consolidated Film Industries, pfd	10	9¾	9⅞	+ ⅛	300
Eastman Kodak	83¼	81¼	82¾	+1	1.100
Loew's, Inc.	32⅞	32	32¼	+ ½	2.100
Loew's, Inc., pfd.	73	72½	72½	+ ½	100
Paramount Publix	2⅛	2	2	+ ⅛	6.000
Pathe Exchange	1⅞	1¾	1¾	.....	1.000
Pathe Exchange "A"	12½	12¼	12½	+ ½	700
Universal Pictures, pfd.	15⅝	15⅝	15⅝	+ ⅝	5.000
Warner Bros.	6¼	6	6	.....	2.900

Technicolor Up ¼ on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd.	¼	¼	¼	.....	500
Technicolor	9¾	9½	9¾	+ ¼	400

Paramount Publix Bonds Jump One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3½	3½	3½	+ ⅛	5
Keith B. F. 6s '46	50	49	50	+2½	8
Loew's 6s '41, ww deb rights	82¼	82	82	.....	5
Paramount Broadway 5½s '51	30	30	30	—1	1
Paramount F. L. 6s '47	29	28	29	+1	5
Paramount Publix 5½s '50	29	29	29	+1	4
Warner Bros. 6s '39, wd	41½	41	41	— ½	36

Purely Personal

RUTGERS NEILSON sent out a publicity yarn referring to "SCHNOZZLE" DURANTE as "James Durante" and was besieged with inquiries from motion picture editors anxious to learn if the Schnozzle had "gone high-hat."

ARLINE DE HAAS, critic and publicity writer, has been married to JOHN SCHOFIELD WILLIAMS 2ND, a Philadelphia lawyer.

DAVE PALFREYMAN is still nursing a cold of Washington code hearing origin.

BERT SANFORD, Eastern sales manager for Erpi, has left on a sales trip to Boston.

GEORGE TRENDLE, Publix operator in Detroit, has returned to his native heath.

GARY COOPER expects to leave for the coast in a week to start work on "Operator 13" with MARION DAVIES.

CHARLES L. GLETT making plans for a coast trip immediately after New Year's.

MAJOR FREDERICK HERRON of the Hays office was in Washington yesterday.

RAQUEL AND RENEE TORRES checked out of the Ritz Tower yesterday and left for the coast.

MARIA GAMBARELLI will appear at the Music Hall for a week beginning next Thursday.

NORTON RICHEY of Monogram sails for Europe today on the *Washington* on business.

AL LICHTMAN is being bothered with a cold these days.

FRANK LLOYD, director, is back from a trip abroad.

PANDRO BERMAN is losing weight on his vacation.

CECIL B. DEMILLE arrives from Washington today.

FRANK HERLING is in town from the coast and is at the Warwick.

Sherman Doing Dialogue

Al Sherman, film critic for the *Morning Telegraph*, is writing the dialogue for 15 Harold Lloyd shorts being reissued in sound by Embassy Pictures. "His Royal Slyness," the first, has just been completed.

Call Off Cleveland Show

CLEVELAND, Dec. 14.—The local film relief fund screening, planned for Dec. 19, has been called off. Some other means of raising funds is now being devised by the committee.

ASC, Studios Near Pact

HOLLYWOOD, Dec. 14.—A working agreement is near actuality between the A.S.C. and major studios. The I.A.T.S.E. threatens to fight the move.

NEWS OF THE WEEK IN PHOTO-REVIEW

UNIQUE 'WONDER BAR' ROLES given Dolores Del Rio and Ricardo Cortez, as glamorous dance team in Warners' coming musical novelty.

EARLY ENCORE for ten-comic cast of 'Convention City'° is planned by Warner Bros. as 'Rival Wives,' follow-up yarn by the same author, is set for immediate production.

KAY FRANCIS CONTINUES record pre-release run at N. Y. Hollywood in third holdover week of 'House on 56th Street.'*

'STAND-UP OPENING' for Cagney's 'Lady Killer' at Roger Sherman, New Haven, reported in *Variety* listing of week's gross leaders.*

STRIKING SCENE from 'Easy to Love,' coming comedy sensation from Warners with Adolphe Menjou, Genevieve Tobin, Edw. Everett Horton and Mary Astor.

MEGGERS' REWARD. Direction of 'Fashions of 1934'* by William Dieterle and 'Massacre'° by Alan Crosland wins new long-term Warner contracts for both.

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

Federal Film Cartel Viewed As Possibility

(Continued from page 1)

by the Administration of a program for the co-ordination of the railroads and statements of high officials of the Recovery Administration that eventually control of production must be undertaken, is considered an indication that the government is committing itself to a general policy of Federal-controlled business.

If the effort toward cartelization is taken, it is pointed out, the groundwork has already been laid through the codes which make all units in an industry operate practically along the same lines, with a second step toward this end seen in the reported determination of the Recovery Administration next year to combine all branches of each industry under a "master" code.

The film industry is one of the very few, some say the only, in which all branches are covered in a single agreement.

Administrator Hugh S. Johnson today gave strict orders to government representatives on code authorities to make it their business to see that no code oppresses the small fellow in business. One of the tasks relegated to the government representatives was described in the following words:

"Constantly scrutinize the operation of the code and see that it does not permit or promote monopolies, nor tend to eliminate or oppress small business."

M-G-M Net on Year Totals $1,326,827

(Continued from page 1)

sponding period a year earlier. Total income this year was $26,144,776, as compared with $31,099,529 the year preceding. In 1931, net profit of $6,257,998 was reported, and total income was $34,799,957.

Current and working cash, this year, increased to $1,981,437, as compared with $1,250,031 the preceding year. Inventories were reduced approximately $400,000 for a total of $22,167,271 at the end of the year. Investments aggregated $2,416,783 and property, $10,676,385 this year, representing no important change in either item from the year preceding. Total assets are $40,617,960, as compared with $41,817,917 a year ago.

The company's obligations to Loew's, Inc., were reduced $2,888,000 to $19,222,000. Surplus was increased from $7,470,151 a year ago, to $8,500,289 this year.

M-G-M's contingent liability as guarantor of an issue of $15,000,000 debentures of Loew's, Inc., was reduced approximately $1,000,000 to $8,965,000 during the year. Net current assets of the company's foreign subsidiaries totaled $1,409,517 at the end of the year, representing a reduction of approximately $250,000 from the year preceding. The current foreign assets included $515,145 cash in banks subject to export restrictions.

O'Reilly in Washington

WASHINGTON, Dec. 14.—Charles L. O'Reilly arrived here today for conferences with Deputy Rosenblatt.

Hays for Family Type Film; Others Look Forward to '34

By WILL H. HAYS

(Continued from page 1)

tion and to greater public service by applying generally the best industrial and trade standards developed in the industry during the past ten years of unremitting effort.

It emerges out of the old year artistically greater and socially more significant than ever before, ready to continue the progress of self-regulation without which public interest, artistic integrity or industrial initative could not be protected.

The industry has furnished a remarkable demonstration that the tension of hard times, the needs imposed by economy, nor the anxiety of reconstruction, have been able to check the rise of the motion picture screen as a universal entertainment medium. It has met the challenge of depression by better entertainment films and by higher artistic standards. What is more, recent events have proved that there is ample artistry to meet the highest social demands in the production of successful and profitable entertainment. The standards of public appreciation of pictures of the better kind, both from the social as well as the artistic standpoint, are constantly rising.

But all this is not said to encourage any feeling of smug self-complacency. There are still great tasks ahead of the industry. The lesson still remains to be emphasized that a universal entertainment medium must be founded largely on the needs of family entertainment. We still face many problems of industrial and financial readjustment in the upbuilding of a permanent industry. We have still to determine how we may best adjust our entertainment service to the coming era of greater leisure. There is still the continuing task before us of protecting the art and the industry from the attacks upon initiative and enterprise inherent in political censorship and other destructive exactions.

But no problem that we do face is an insuperable problem in the light of the progress that has been made, the industrial and trade standards set up, and the machinery established to aid us in fully discharging our public responsibility in the production and exploitation of motion picture entertainment.

By SAM E. MORRIS

(Continued from page 1)

anticipate that our troubles are over in this respect.

Our foreign distribution units are being set up to take the utmost advantage of the possibilities in each and every country on the globe, and with many new units put into operation during the past year together with additional ones which will be started in the future, I am extremely optimistic that our business for 1934 will exceed by far anything attained in past years.

We are making every effort to induce exhibitors to copy American methods of advertising, exploitation and publicity, and have been very successful in this, to the profit of both the exhibitor and ourselves. On recent trips to Europe, I was amazed to observe the great strides being made by the theatres in the capital cities in putting on campaigns which were in every way equal to our best on Broadway. This lesson from the leaf of American showmanship will undoubtedly reach out to the smaller cities and mean increased attendance at theatres during 1934.

With a continuation of the same outstanding product we have had in the past, and barring any unforeseen and drastic restrictions which may be placed upon the industry by foreign national governments, I see no reason why we should not have a banner year in 1934.

By W. S. BUTTERFIELD

(Continued from page 1)

it grows and expands, always tries to keep itself clean and sell the best, and good pictures that will please all kinds of their patrons, and the time is now arriving when the public will insist not only on better actors in the cast, but better stories, and plays played and produced in better theatres. As soon as the producer, distributor and exhibitor realize the time is gone for the little hole-in-the-wall theatre which insists on playing the finest pictures made at 10 cents about 30 days after it has started to run at the de luxe theatres the results will be better for all three of them. There is nothing illegal or against the NRA in refusing to sell pictures to exhibitors who will not take them on the conditions laid down by the producer.

There are too many theatres now in the country and the sooner the producer, distributor and exhibitor get together, to work out legal plans to discontinue the hole-in-the-wall the quicker our business will improve. There are plenty of first-class, well-ventilated and seated, properly constructed motion picture theatres that will sell third or fourth-rate pictures and glad to get them at 10, 15 or 20 cents for the poorer class of people who can only afford these prices.

The outlook for 1934 is very good and will be better when the producer makes less number of pictures, uses better actors and stories. Here's three cheers for 1934 and may the outlook live up to the expectations.

By B. B. KAHANE

(Continued from page 1)

criticisms of the NRA code for the industry. But it is not right for us to prejudge how it will work. We should conscientiously lend our efforts toward the carrying out of the provisions of the code and hope for the best.

Business has been "spotty," and will perhaps continue to be so during at least a part of the coming year. But that only increases our responsibility and our determination to make the finest pictures ever produced in Hollywood and with that spirit this industry can't lose.

It is my opinion that the trend in 1934 will be for cleaner and more wholesome themes in pictures. Sex and gangsterism will wane and be replaced, to a marked extent, by stories of human interest, pathos, good clean fun and humor and higher emotional influences in screen entertainment.

Cooper Plans 40 to 52 for Radio's List

(Continued from page 1)

ecutive producer for Radio, with being the inspiration for his ambition to schedule only "A" pictures for production; also adding that it was a policy tried and proved by M-G-M, which he referred to as the "most successful company in the business."

Cooper said that percentage deals with producers, actors, writers and directors were on the increase at the Radio studio. "It's in line with my policy," he explained. "I believe better results are obtained when those important to production of a picture are working on a basis on which they can share in its profits."

Asked whether Katharine Hepburn's new contract called for 12 per cent of the gross of her future pictures, as reported, Cooper said he had not seen the new Hepburn contract and was not familiar with its terms. Asked about a renewal of his own contract, which expires in February, the Radio producer said it had not been discussed yet; adding that he "would like to stay with Radio if they want me."

Cooper said his present plans contemplate only executive direction over production activities. "I am not to supervise any pictures," he said. Radio is negotiating for three new stars, Cooper revealed, but declined to identify them. He predicted that Francis Lederer and Fred Astaire would be starred next year, and described the latter as "another Chevalier." He said he did not believe that production of "sex" pictures paid.

Pandro Berman, Radio producer, enjoying what he said was his first vacation in four years, sat at Cooper's side during the interview and listened attentively to the executive producer's comments.

Studios Train Stock Players, Chorines

(Continued from page 1)

from $40 to $50 per week and are compelled to spend their time on the sets when not actually working to acquire a more general knowledge of acting. Gus Meins is their chief coach, but the entire staff of directors contribute to their training.

M-G-M has a total of 12 junior players under the guidance of Oliver Hinsdell, who constantly tutors them in technique of screen acting when they are not actually engaged in a picture. Universal reports eight players working on a similar basis.

Less than a year ago studios deemed it impractical to maintain junior stock companies, but since that time there has been a gradual demand for the development of new screen personalities.

Film Folk on Way East

HOLLYWOOD, Dec. 14.—Larry Darmour is flying east in connection with a deal with Arthur Lee of Gaumont-British. Also eastbound are E. H. Griffith and Edward Faragoh. Robert Sisk is due in New York Dec. 18.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Detroit Shows Pick-Up; Less Gloom About

1933 Ahead of 1932, But Gain Is Fractional

This is the sixth article in a series on key cities of the Middle West.

By RED KANN

DETROIT. — Smiles come easier around Motor City these days. For business, still far removed from the blessings that once were and may never be again, is better. That's definite and conceded by all hands even if scribbling pencils in those hands can't agree on how much better.

Is it the NRA? Detroit film men who watch business index figures and Chamber of Commerce barometers don't think so. Is it automobile manufacture? That comes closer to it. But equally as important a consideration is the emphatically better tone, the cheerier note that prevails, despite the headaches and heartaches that continue.

As this Middle Western junket gets older and as more territory is embraced, it becomes increasingly apparent, although anything but new, how inescapably linked with whatever big grosses are available are superior pictures. Here, as in Milwaukee, Chicago and Indianapolis, the attraction that stands away from the rest of the

(*Continued on page 6*)

RKO Foreign Sales Put in 3 Divisions

Hawkinson, Lion, Ethel Smith Get Posts

Reorganization of the foreign sales department of RKO Radio has been made by Ned E. Depinet, vice-president in charge of distribution. This includes the appointment of three division managers, paralleling the domestic setup, and a special Far Eastern field representative, all under the supervision of Phil Reisman.

The new division managers and their territories are: Robert K. Hawkinson, Cuba, Puerto Rico, Santo Domingo, Mexico, Panama, Jamaica, Honduras, Guatemala, Salvador, Costa Rica, Nicaragua, Venezuela, Colombia,

(*Continued on page 8*)

Majestic-Preferred Merger Seen in Air

HOLLYWOOD, Dec. 15.—Reorganization plans of Majestic and Preferred Pictures are understood to include the possibility of a merger of the two.

J. G. Bachmann, president of Preferred, and William D. Shapiro, vice-president, are on their way east on the same train with Herman Gluckman, president of Majestic. The move is said to be under considera-

(*Continued on page 2*)

More on the Code

The Marx Brothers have a code of their own when it comes to cablegrams and dollars and cents.

Chico and Groucho were much concerned over Harpo's Russian trip in view of his flight from Paris to Russia. They were put at ease with a one-word cable.

The word was "nuts."

Reports Johnson Will Quit Denied

WASHINGTON, Dec. 15.—Reports that the retirement of General Hugh S. Johnson as head of the NRA was imminent today were denied by both the White House and the administrator, it being said by the President that Johnson still has a great deal of work to do in his present position. It had been reported he would take over the direction of the Emergency Council.

The impression prevails, nevertheless, that Johnson is nearing the end

(*Continued on page 7*)

Steel Firm Putting NRA to Acid Test

WASHINGTON, Dec. 15.—The first real test of the NRA appears imminent as a result of the refusal of the Weirton Steel Co. to adhere to Recovery Administration requirements for employes' elections of representatives. The election was held today in

(*Continued on page 7*)

Loew's Stock Sale Held up By U. S. Court

Government Moves to Get Anti-Trust Angles

Sale of the Loew stock held by the Chemical Bank and Trust Co. as trustee under a $20,000,000 loan floated by the Film Securities Corp. was ordered held up yesterday by Judge John Knox in U. S. District Court.

This action was taken on a petition of John Harlan Amen, special assistant to the attorney general. The court ordered that Thomas Nelson Perkins and John R. Hazel, trustees, be directed to ascertain and report to the court the names of prospective purchasers of any or all of the stock so the court can determine whether

(*Continued on page 7*)

Loew Viewed as Set On Australia Moves

Departure for Australia today of Harry Moskowitz, head of the engineering department of the Loew circuit, indicates the company is prepared to go ahead with its invasion of the theatre field in the Antipodes.

Moskowitz leaves on short notice and as a result of a hurried cable from Arthur M. Loew. Sydney and Perth will be the first cities to see construction.

Sees Code Helping, But Danger in Any Quality Let-Down; Foreign Sales Managers Certain 1934 Will be Good Year

By CHARLES C. PETTIJOHN
General Attorney, M. P. P. D. A.

The new year finds the industry shaking hands with the new deal. For the first time all branches of the business are brought under a single code of industrial and trade relations that establishes the best standards which experience and industrial justice have been able to develop. So much for that.

But no code can substitute for the need of imagination, initiative

(*Continued on page 2*)

By J. H. SEIDELMAN
Foreign Sales Manager, Columbia

In my opinion the period of violent change and uncertainty that has been characteristic of the foreign market in general, is now over. I do not look for any startling changes in the industry abroad for the coming year.

Exhibitors all over the world, as in America, are no longer interested in promises or

(*Continued on page 2*)

By ARTHUR W. KELLY
Foreign Sales M'g'r, U. A.

It is my humble opinion that, regardless of what economic changes 1934 brings, one thing is sure: the public will continue to spend its money for good pictures that are vigorously advertised and shrewdly merchandised.

All signs point to a definite upturn during the coming 12 months. And I agree with the prevailing thought that show business

(*Continued on page 2*)

By N. L. MANHEIM
Foreign Sales Manager, Universal

The future for American pictures abroad never looked brighter than at this moment. We waited a long time for the wheel to turn, but it has been worth waiting for.

My conclusions are based on several reasons, the first and most important being the fact that our producing departments have seen 100 per cent dialogue pictures fail to earn their print

(*Continued on page 2*)

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Independent Ad Men Confer with Flinn

Publicity and advertising men identified with companies who are not members of the Hays organization met with John C. Flinn, president of the Ampa, yesterday to discuss participation in the new cleaner advertising move under way by the major companies. While no decision was reached, the sympathies of the group veered toward the plan which will be gone into further next week at a subsequent meeting when J. J. McCarthy of the Hays office is expected to be present.

Those at yesterday's confab included Charles F. Hynes, Gaumont British; Lou F. Guimond, Weldon Pictures; Ed Finney, Monogram; Bert Ennis, Majestic; Charles Giegerich, Celebrity Pictures; George Harvey and Harold Auten.

Decision Reserved In Lea-Warner Suit

MINNEAPOLIS, Dec. 15.—Decision has been reserved by the U. S. District Court here in the contract suit brought by Albert Lea Amusement Co. against Warners on the ground that Warners failed to deliver "Footlight Parade" in accordance with a contract.

Warners' reply was that failure to agree on a price vitiated the agreement.

MacAuliffe Services Held

Funeral services were held yesterday for Jerry MacAuliffe, veteran actor, at Saint Malachy's Church.

Says Must Be No Let-Down; View on Foreign Cheerful

By C. C. PETTIJOHN

(Continued from page 1)

and enterprise. A code cannot furnish the literature and life which artistry must reflect from the screen. A code can't steer us from the danger and folly of standardized entertainment which the public would not patronize. A code cannot create variety of entertainment. A code will not bring people into the theatre to see poor pictures, or compel them to sit through cheap forms of entertainment waiting for a good picture to be shown.

Creative talent must create upon its own inspiration. Theatre programs must be thought out and made attractive on the basis of showmanship and experience. Initiative remains the greatest individual asset. The industry must continue to think and work full steam ahead!

By J. H. SEIDELMAN

(Continued from page 1)

past performance. Trade names, trademarks leave them unmoved. They are looking for one thing only—quality product that has real merit. Such pictures will always find a ready, eager market abroad.

By ARTHUR W. KELLY

(Continued from page 1)

in general and the picture business in particular will be among the first to reflect the more favorable industrial conditions.

I am willing to go even further and say that the new year will usher in a period of "cafeteria prosperity." By "cafeteria" I mean "help yourself"; in other words, if you want business, you will have to go out and get it.

However, let me emphasize that prosperity, per se, is not around the corner. On the contrary, it is perched on top of a steep hill, and to reach it, we must all climb a long and tortuous road. Consequently, the need for good pictures and vigorous merchandising is greater than ever. Because it takes more power to run up a hill than on the level.

There is another reason why the new season puts a premium on supershowmanship—why it cries aloud for higher production standards, more aggressive selling, more intensive exploitation, more concentrated thinking. And that is: The public today is entertainment-wise. People are shopping for good pictures as intelligently and as persistently as they are shopping for bargains in merchandise.

That puts it squarely up to all the elements in our industry—producers, distributors and exhibitors.

As producers, we must realize that the times call for pictures of romance, of laughter, of music, of happiness. People nowadays want to see the brighter side of life—to forget their troubles, when they go to the theatre.

As distributors, we must remember that profits are made from turnovers, not leftovers. Pictures in the vaults pay no dividends. We should be sensible of our obligation to exhibitors and cooperate with them by suggesting practical exploitation ideas when they book our pictures. Otherwise, it's like selling a man a first car without teaching him how to drive.

As exhibitors, we must constantly bear in mind that outstanding product deserves increased playing time; and that the public will continue to beat a path to the box office if the merit of the film merchandise is forcefully and persuasively called to their attention.

To sum up: never before in the history of this business has every man connected with it had a better opportunity to show the stuff he's made of—to prove himself either a somebody or a nobody. Mark my words, 1934 will reward the showman and show up the sham!

By N. L. MANHEIM

(Continued from page 1)

cost in foreign countries and they have also seen action pictures, such as we have constantly advocated, earn real money from one end of the world to the other. Now that the coast studios recognize this condition, the rest is easy.

The second important point to our benefit is the matter of foreign production. It is fairly definitely established that a foreign language picture cannot recover its negative cost in the country of origin. A great number of bankruptcies among the foreign producers is proof of this. This must react to our benefit, because, regardless of quotas or any other legislative restrictions, people will want the best entertainment obtainable, and until the foreign language producers make quality merchandise which is salable in countries speaking other languages, they can't hope to amortize their negative cost. American producers have a healthy lead over the field when it comes to producing pictures with the all-important international appeal.

Nothing need be said about foreign exchange because all American companies must benefit by the improved exchange rates. Even if the rates do not hold at present levels, we should still be far better off than we were during the past few years.

In the old days it was the foreign business which determined whether the company made a fair profit. The same holds true today.

Majestic-Preferred Merger Seen in Air

(Continued from page 1)

tion for the purpose of reducing overhead in both production and distribution.

E. H. Goldstein, vice-president of Majestic, vehemently denied any merger was in prospect when asked about it last night.

"There's nothing to it," he said.

Majestic Plans Complete

HOLLYWOOD, Dec. 15.—Herman Gluckman, now here, and E. H. Goldstein, executive vice-president of Majestic, who is in New York, have completed plans for finishing the balance of the 1933-34 schedules.

Gluckman is scheduled to return to New York next week.

Lichtman Ill at Home

Al Lichtman, vice-president and general sales manager for United Artists, is confined to his home with the grip.

Stocks Slip in General Decline

	High	Low	Close	Net Change	Sales
Columbia Pictures, vte	26¾	26⅜	26⅜	.....	100
Consolidated Film Industries, pfd	10	9⅝	9⅝	— ¼	700
Eastman Kodak	82¾	81½	81½	—1¼	300
Fox Film "A"	14¾	14¼	14¼	— ⅜	400
Loew's, Inc.	32¼	31⅞	31⅞	— ⅜	1,900
Paramount Publix	2	1⅞	1⅞	— ⅛	3,000
Pathe Exchange	1⅞	1¾	1¾	— ⅛	500
Pathe Exchange "A"	12¾	12	12¼	— ¼	600
RKO	2½	2¼	2¼	— ¼	300
Warner Bros.	6	5¾	5⅞	— ⅛	9,500

Technicolor Up One-eighth on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	¼	3/16	3/16	— 1/16	400
Technicolor	9⅞	9⅞	9⅞	+ ⅛	1

Paramount Broadway Bonds Up One

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3⅛	3	3	— ½	4
General Theatre Equipment 6s '40, ctf	2¾	2¾	2¾	— ¼	1
Loew's 6s '41, ww deb rights	82	81½	82	.....	2
Paramount Broadway 5½s '51	31	31	31	+1	1
Paramount F. L. 6s '47	28⅝	28⅛	28⅝	— ⅛	8
Paramount Publix 5½s '50	28	28	28	—1	1
Pathe 7s '37, ww	81¾	81¾	81¾	+ ¼	2
Warner Bros. 6s '39, wd	41½	41	41	.....	6

JACK WHITE

Produced and Directed

"POPPIN' THE CORK"

With

MILTON BERLE

And

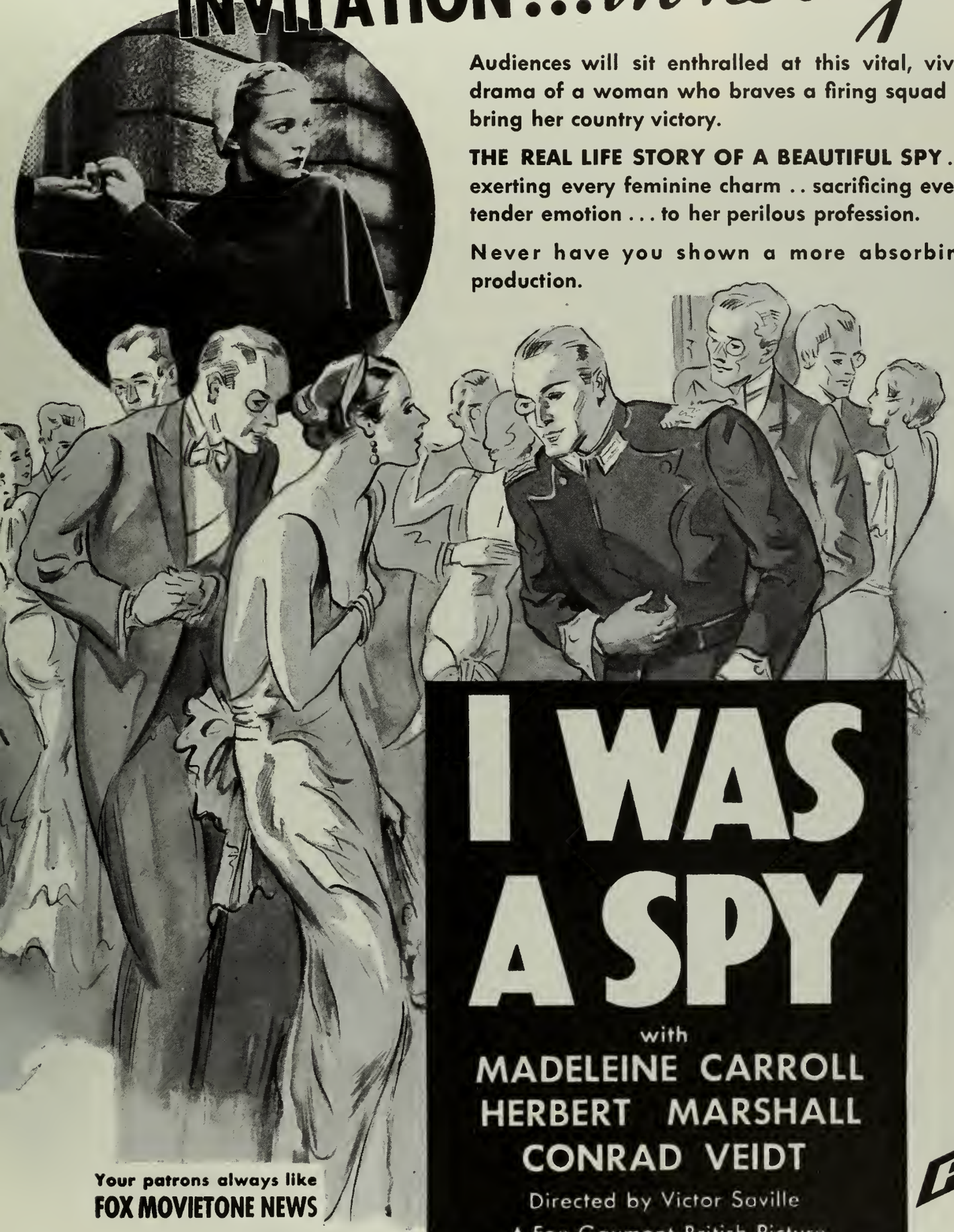
"MANHATTAN LULLABY"

With

HELEN MORGAN

FOX-EDUCATIONAL MUSICALS

TERROR... *in her heart*
INVITATION... *in her eyes*



Audiences will sit enthralled at this vital, vivid drama of a woman who braves a firing squad to bring her country victory.

THE REAL LIFE STORY OF A BEAUTIFUL SPY ... exerting every feminine charm .. sacrificing every tender emotion ... to her perilous profession.

Never have you shown a more absorbing production.

I WAS A SPY

with

MADELEINE CARROLL
HERBERT MARSHALL
CONRAD VEIDT

Directed by Victor Saville

A Fox-Gaumont-British Picture

FOX

Your patrons always like
FOX MOVIETONE NEWS

"RADIO HAS BUILT THE SMARTES"

. . . and the *Motion Picture Daily* calls it "one of the cleverest as well as one of the most original musical entertainments so far . . . seductive songs, colorful settings and rhythmic dances . . . lavish in its beauty, full of glamour, girls and tunes with a novelty finale using the sky as a stage . . . Youmans' melodies linger tunefully . . . box-offices should welcome it!

"Unbelievably delightful" . . . Says Cinema Hall-Marks of Hollywood "pages would be needed for adequate description and praise"

NRA MEMBER U.S. WE DO OUR PART

RKO Radio PICTURES

MERIAN C. COOPER
EXECUTIVE PRODUCER

MUSICAL TO HIT THE SCREEN"

says VARIETY [HOLLYWOOD]

RIGHT ON THE HEELS OF "LITTLE WOMEN" ...ANOTHER SMASH!
Too Big For The World So They Staged It In The Clouds!

NG DOWN TO RIO

with

DOLORES DEL RIO

GENE RAYMOND — RAUL ROULIEN
GINGER ROGERS — FRED ASTAIRE

★

Glorious Music By

VINCENT YOUMANS

Gay lyrics by Edward Eliscu and Gus Kahn

Staged In Fabulous Beauty by Louis Brock
Stunningly Directed by Thornton Freeland

Detroit Showing Pick-Up Now

'33 Ahead of '32; Lots of Ground Left

(*Continued from page 1*)

herd is the one that gets the money while all other houses take it on the chin. Here, as elsewhere, and because money is being spent where the best in values is to be had, price ranks in importance with the attraction. Detroit liked "I'm No Angel" and kept it thriving at the State, long dark, for four weeks. Everybody's looking for angels, but not enough "Angels" happen along.

There are new elements in the downtown situation here now. A handful of weeks ago Nate Blumberg, general manager of the RKO circuit, did some talking to Spyros Skouras about the amount of red ink consumed in these parts. Out of it developed a theatre pool tying in the huge 5,100-seat Fox with its unexplored acres of balconies, promenades and rest rooms and the more modest 2,750-seat RKO Downtown. Capacity, the determining factor, elected the Fox as the "A" house and made available for it first call on Radio to tie-in with the Fox Film line-up.

The Downtown became the "B" house, the home of catch-as-catch-can policy including doubles, first and second runs, stage shows and no stage shows, as RKO booking policy elected. Thus, where he had one house and two competitors, David Idzal now has one competitor and two houses to manage, sweat over and dope ideas for, with the faithful Freddie Schader constantly the right hand power.

The Return of Trendle

The competitor is George W. Trendle, president of the United Detroit Theatres, which is a new corporate boutonniere for the Publix houses which "Izzy" Halperin and Nate Platt had in tow this time last year. This is the group that almost tore asunder the Paramount theatre organization some months ago because of Steve Lynch's refusal to let John Balaban run them. It is the same string for which Trendle made a better offer and found the Paramount trustees agreeing. They gave him the operation for 10 months.

Whereas, the bad news was once divided weekly among Publix, RKO and Fox, it goes two ways only now. While the dope sheet on grosses could be much, much better, it, nevertheless, isn't quite so terrifying as was the case this time last year. Since hope continues to spring eternal, the first-run operators are following the theory to the letter.

Individual takes at the Michigan, United Artists, Fisher and now the recently re-opened State may be all right, but collectively the Publix losses are piling up. Maybe it's another case of too many downtown seats; many believe that. Maybe it's another instance of the real stuff on celluloid coming along too spasmodically and the lack of cash to make box-offices swollen but happy.

One of the first of Trendle's actions upon stepping into the Publix spot was to place himself on the spot with his brother exhibitors around town. His pledge to the Detroit public that henceforth his shows would be clean; that tinsel fronts were coming off theatre facades on the theory the place for the show was on the inside, followed by a city ordinance banning cut-outs and limiting displays to lobby cards, has trained guns in his direction. They are spouting comment that Trendle undoubtedly won't like.

The charge is being made that, whereas the sleeping dog policy had been successful in keeping pictures and picture theatres away from the attention of the city council, Trendle's widely publicized new show policy has brought about the reverse. Some of the neighborhood operators, in particular, are bitter over the limitations on advertising display, maintaining they need that sort of thing to get themselves by.

An early action on Trendle's part was to order a large cut-out of Mae West, adorning the State, whitewashed so that some of the curvacious features of La West weren't quite so bulging. It was part of his new plan for theatre operation on the outside, but it had no bearing on the inside, for the West picture continued to play at the house for four weeks, objectors like to use as their argument.

Reports in circulation that the Catholic Church was bearing down on the Fox and that Trendle had fanned the move are also among the things heard around the town. Trendle, however, denies any of his actions had a bearing on that. As a matter of fact, he expresses surprise and a disbelief that such a movement is under way.

Regardless, it is a fact that the Catholic dignitaries are much aroused over salacious pictures and the same type of advertising. Their point of view finds reflection in almost week-by-week editorial and news comment in *The Michigan Catholic* and a barrage of letters that has been well nigh deluging Idzal and the Fox Theatre management, to its embarrassment and consternation.

The Detroit Catholic Students' Conference was first to take action as the result of a plea by Bishop Michael J. Gallagher. This was followed by the Detroit Diocesan League of Catholic Women and the Catholic Order of Foresters through resolutions calling upon members to become a "committee of one to patronize only those pictures known to be decent and representative of the best in our home and national life" and "to do all . . . to influence friends and neighbors to follow. . . ." Theatre men are concerned over the development.

In so far as the situation bedeviling the Fox is concerned, there is some reason to believe the disturbance traces back to a booking of the late Texas Guinan. The "nudies" in the unit aroused objections from the Catholic committee of the whole on cleaner shows, resulted in protests and decision of the theatre to play the show regardless. That was the touch-off and since then, when opportunity has arisen to point to objectionable elements either on stage or screen or both, the Fox has taken it on the chin.

Much shadow-boxing and some real blows have been struck in the exhibitor situation. Arrayed on one side of the embattled parapets are H. M. Richey, Allied of Michigan and the Mid-States Theatres, local buying co-operative which finds all major exchanges, with the exception of M-G-M, willing to sell their film for ultimate parceling to its approximate 70 theatre members. On the other is Adrian Rosen, young Detroit lawyer, as representative of a group of exhibitors, some of them once members of Mid-States and some who are not.

Both sides, naturally enough, claim justification for their stand. Crowded out of film service, as they are, Rosen's group, including Al Ruttenberg of the Iris, Lew Kane of the Mayfair and the Krim boys who run the Kramer, are yelling loud and long for pictures in the possession of Mid-States. Ray Moon, general manager of the co-operative, maintains the pictures are his by purchase and that's that.

In its essence, the question as it concerns Mid-States poises itself on whether or not the combine, through its massed buying power, has intimidated exchanges into contracts for service. Rosen, of course, insists this is so; Mid-States is equally as firm in its denials.

Typical as an example of the situation is the case of the Mayfair, which is the old Bonstelle stock house. Kane, who runs it, claims he can't get enough film to keep his theatre going. Mid-States asserts his opposition, which is the Senate and the Colonial, requires 416 features a year between them and that obviously Kane is out of luck. Another—Ruttenberg's Isis, which runs now on M-G-M, RKO and Columbia, but needs more. His competitor is Joe Krull at the Home. Krull runs doubles and maintains his needs are 208 features per annum. He has bought up 235 and asserts the overage is necessary by way of protection on the theory producers only deliver 80 per cent of their promised schedules anyway.

Through a long-winding series of circumstances which have been reported in MOTION PICTURE DAILY as they broke, the opposition to Mid-States, which is pretty much the opposition to Allied of Michigan as well, has taken form in the development of an opposition exhibitor unit, at present confined in its operations to the city with the state lurking somewhere in the plan for crystallization later—perhaps.

Allied makes the charge that the Hays office is behind the step, sinking the hooks of its argument into the possibility that the Independent Theatre Owners of Detroit, as the new group has dubbed itself, will become an M. P. T. O. A. affiliation.

As a matter of fact, Allied is considerably more burned over its embryonic competitor than it cares to admit. It assumes the stand that the Michigan unit has been getting along pretty well for almost 15 years; that it has been successful in keeping battered down inimical legislation, not only for its own members, but for all of the film industry within the state's confines and doesn't understand the why or the wherefore of this new competition.

Believed Taking It to Heart

Indicating in some minds that it is taking the fuss over Mid-States to heart is the general understanding that the board of directors of the combine will soon be shuffled about to eliminate from its personnel the men who are also directors in Allied. That's supposed to set up a line of demarcation between the two organizations and to indicate they are separately constituted. It won't fool anybody.

In Detroit, the double feature situation, despite an earlier agreement to rule it out, is back to its old status, which means twin bills are the rule all over the city. When the pact was fixed up, there was coupled with it a simultaneous effort to step up admissions to the tune of five and 10 cents, as each situation saw fit. At the same time came the realization, the explanation goes, that exhibitors couldn't cut the entertainment quota and get more money in one joint action. Duals won out and have stayed on top ever since.

Whenever the question of duals or no duals comes up, it's practice now to turn to the RKO Downtown, which changes its policy from first to second runs to duals to stage shows as often as it likes. "Why pick on us?" the subsequents ask, but get no answers.

The first runs may have the seats

(*Continued on page 8*)

Duals Flush; Most Houses Still Use 'Em

Straw in the Wind

Detroit.—Certainly it's tough, regardless of the NRA. But because theatres don't stay open unless there's a reason for it, official Film Board figures covering the exhibition checkerboard tell an interesting, on-the-plus-side-of-the-ledger yarn. It's this:

Of the approximate 546 houses in Michigan's lower peninsula, which is all the territory Detroit exchanges cover, only 53 are closed. Last year it was 72; in 1931, it was 99 and in '30, two less than 50. Between the latter year when business had shrunk, but still was not too bad, and this, when the depression is still kicking around, the difference in darkened theatres, therefore, was only five. That's something.

Reports Johnson Will Quit Denied

(*Continued from page* 1)

of his tenure as administrator and that he will give up his post early next year. This will be a voluntary action on his part, in line with his repeated statements when he took the job that he did not want it as a permanent position.

If Johnson retires, there is a possibility he will be succeeded by Division Administrator A. D. Whiteside, whom he has entrusted with a number of important matters.

St. Louis Showmen Give O.K. to Code

St. Louis, Dec. 15.—The code was approved here today at a meeting of theatre owners. The name of Charles Goldman, this city, and S. E. Pirtle, Jerseyville, were submitted to Deputy Administrator Sol A. Rosenblatt as nominees for the local clearance and zoning board for independent subsequent runs, with Clarence Kaiman, this city, and Albert Critchlow, Alton, as alternates. Cullen Espy was proposed as representative for independent first runs, with George Tyson as alternate. Both are of this city. For affiliated first runs Harold Evans was suggested, with H. H. Horman as alternate. Both are residents of St. Louis.

Nominations for the grievance board were Fred Wehrenberg to represent the independents and Leo Hill affiliated theatres. Both are of this city. Proposed for alternates were Oscar Lehr, St. Louis, for the independents, and Lon Cox, West Frankfort, Ill., for affiliated houses.

George Eigel, St. Louis attorney, was nominated as the non-industry member for both boards.

Allied Favors Full Cancellation Use

Minneapolis, Dec. 15.—W. A. Steffes served notice at the opening of the Allied convention here today at the Radisson Hotel that the organization would advise liberal use of cancellation rights under the new code to cut off high priced pictures from blocks.

Analyzing the code provisions section by section, Steffes said the code sets up no restrictions on distributors.

"All your employes are now policemen watching for code infractions," he declared. He cautioned against any attempts at subterfuge or chiseling.

The session lasted all day with about 100 exhibitors from Minnesota and the Dakotas present.

Discussing lotteries, rebates, premiums and giveaways, Steffes indicated that Allied would help clamp down on the practice. He expressed that 75 per cent of the code regulations covering these problems are fair.

Allied's Illinois Unit Is Organized

Chicago, Dec. 15.—Allied's downstate organization has been completed with the election of E. E. Alger as president, Fred Anderson as vice-president, Russell Hurt as secretary, and J. M. Duncan as treasurer.

The organization meeting was held at Peru, Ind. Aaron Saperstein was one of the speakers.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Miss Fane's Baby Is Stolen"

(*Paramount*)

Hollywood, Dec. 15.—Timely theme and powerful woman appeal to which preview audience reacted with sobs and applause give "Miss Fane's Baby Is Stolen" the appearance of a real hit at the box-office.

Aside from tapping the temper of a people aroused by kidnaping outrages, the picture is thrilling entertainment that leans heavily on the heart side. Sobs alternate with emotional suspense as a simple love story of mother and baby unfold.

Dorothea Wieck, portraying a film star, refuses to notify the police after her baby is stolen. At her wit's end, she finally goes to the authorities, who put on a kidnap hunt, using national hookups, radio cars and airplanes.

Alice Brady, portraying a farmer's wife to whom Miss Wieck had given an autographed photograph on location, stumbles on a clew near her own shack, gets the baby and drives to town in her rickety old Ford, pursued by the kidnapers. A chase of motorcycle police, sentencing of the kidnapers and the return of the baby are dramatic highlights.

Miss Wieck, minus box-office strength as yet, gives a good performance as the mother bereft. Baby LeRoy contributes a big part to the entertainment value of the film. Miss Brady gets away from jittery roles and sends home a warm, human portrayal. Alan Hale, Jack La Rue and Dorothy Burgess are the kidnaping menaces. Spanky McFarland, formerly of "Our Gang," provides some good laughs.

Rupert Hughes's story is unreeled in simple strokes. Adela Rogers St. John's screen play is a model of simplicity. Alexander Hall's direction is smooth and effective. Although a newcomer, he handled this one like a veteran.

The production is an ideal combination of up-to-the-minute sentiment with tense heart interest and a suspense that holds all the way. The subject matter and superior quality of the entertainment should put it over big on the strength of the front page theme, name values of Baby LeRoy and Alice Brady, plus the word-of-mouth chatter sure to accrue after the feminine contingent see, weep and enjoy it.

"Meanest Gal in Town"

(*Radio*)

Hollywood, Dec. 15.—Light comedy, with laughs sparsely scattered, holds this one to the program class or for double feature spots.

El Brendel, Zasu Pitts, Jimmie Gleason, Pert Kelton and "Skeets" Gallagher do whatever they have to do nicely, but the comedy, produced for laughing purposes, seems a bit handicapped for lack of fresh and sprightly material.

Place—any small town. Brendel, bashful barber, loves Zasu, who owns a women's shop. For 10 years El has loved Zasu—and vice-versa. He has the ring, but is waiting until business picks up before he gets a second chair for the barber shop and buys a stone for the ring.

Pert Kelton, stranded soubrette, for want of something better to do, sells El the idea of putting S. A. into the shop. Pert gets the job as manicurist. Business booms. Legs draw yokels. Gleason, town clown, smitten by Pert, takes over the second chair in the shop to be near S. A.

Gallagher, traveling salesman, inveigles Zasu to link her shop with a national chain. Skeets has a yen for Pert, too. They go off together. Zasu loses her shop. El gets it back. Pert returns to Jimmie. El proposes to Zasu. That's the story.

Comedy line is meager, with laughs interspersed at odd moments. Small towns may go for this one, as humor reflects life and love at the whistle stops.

"Eight Girls in a Boat"

(*Rogers-Paramount*)

Hollywood, Dec. 15.—"Eight Girls in a Boat" is an artistically mounted drama of a girl yearning for affection, and finding it by violating the regulations of the finishing school she is attending.

Amid the picturesque setting of the Swiss Alps, her search for romance brings about clandestine meetings with a boy from a neighboring college. Realizing her fatal step, the girl, capably played by Dorothy Wilson, becomes obsessed with the thought of impending motherhood without benefit of clergy. The boy, played by Douglas Montgomery, is equally upset. He prevails upon the girl's father (Walter Connelly) to consent to the marriage. Father refuses on grounds that the boy is incapable of furnishing a livelihood for his daughter.

The story further reflects on the conflict between the couple's love

(*Continued on page* 8)

Loew's Stock Sale Held up by Court

(*Continued from page* 1)

the transfer would violate any of the terms of the consent decree handed down at Wilmington some time ago in the Government's anti-trust action against Fox Film, which owned the stock prior to its transfer to General Theatres Equipment and Harley L. Clarke with the aid of Chase National Bank financing.

Saul E. Rogers appeared before the court a few days ago as attorney for Harley L. Clarke and protested that the sale of the stock would return control of Loew's to the Chase National Bank, which controls Fox, and would therefore violate the terms of the consent decree.

Steel Firm Putting NRA to Acid Test

(*Continued from page* 1)

the face of threats of court action and loss of the Blue Eagle.

Plans of General Johnson to report the company to the Department of Justice for action tonight were held in abeyance until he had conferred with Senator Robert Wagner, chairman of the National Labor Board, but the administrator expressed the view court action now probably cannot be averted. The matter is considered the most serious challenge of the Recovery Act yet issued.

Plans for legislation to make the National Labor Board a permanent organization are under consideration by Senator Wagner.

While the fundamental cause of the dispute is not analogous to any situation in the film industry at the present time, it was said, the Weirton case involves the validity of the labor setup of the Recovery Administration and will have a wide influence upon all industries.

New Theatre Union Wins NRA Skirmish

Local 118, Building Service Employes' Union, won its first skirmish with theatre operators when Johannes Wittberg, janitor at Skouras's Academy of Music, was returned to his post yesterday following the new union's complaint to the local NRA compliance board that Wittberg had been discharged after becoming a member of the union.

The theatre maintained that Wittberg had been discharged for incompetency, but the local NRA board held that there was no evidence of this, and ordered that Wittberg be returned to his job.

Delaware-Maryland Men to Sign Dec. 21

Wilmington, Dec. 15.—Members of the Independent M. P. Theatre Owners' Ass'n. of Delaware and the Eastern Shore of Maryland may sign the code collectively or individually at the next meeting to be held Dec. 21. The session is to be held at Federalsburg, Md.

Hoffberg Gets Comedies

J. H. Hoffberg Co., Inc., has acquired world rights to 12 two-reel Gene Laymon comedies, the first of which is "Tough Breaks."

Midwest Cheerful, Edward Golden Says

Returning from a week's tour through the middle west, Edward Golden, general sales manager for Monogram, reports an optimistic trend, stating subsequent and small theatres are doing very well, having come down to cases. Some of the big fellows, he says, are still loaded with overhead and haven't as yet adapted themselves to conditions.

Exhibitors in Ohio, Illinois, Michigan and Wisconsin are generally optimistic, he reports. Things are not exactly the way theatre owners would like to have them, but they think they are now on the upgrade, he says.

Commenting on duals, Golden declares exhibitors are very happy in all situations because twin bills are left to each individual exhibitor.

While on the trip, he conferred with Irving Mandel, Chicago; Nat Lefton, Ohio; Sam Seplowin, Detroit, and Jack Frackman, Milwaukee, Monogram franchise holders, who reported business good.

RKO Foreign Sales Put in 3 Divisions

(*Continued from page* 1)

Peru, Ecuador, Brazil, Argentina, Paraguay, Uruguay, Egypt, Syria, Palestine and South Africa.

B. D. Lion, Norway, Sweden, Denmark, Finland, Poland, Russia, Baltic States, Germany, Austria, Hungary, Czechoslovakia, Rumania, Jugoslavia, Bulgaria, Greece, Turkey, Armenia, France, Belgium, Switzerland, Holland, Portugal, Spain and Italy.

Ethel Smith, Philippines, Japan, Bermuda, Trinidad, Haiti, Iraq, Siam, Dutch East Indies, Straits Settlements, United Kingdom, Australia, India, Burma, Ceylon, China and all steamships.

Siegfried Lindstrom is the Far Eastern field representative with supervision over Japan, China, Philippines, Dutch East Indies, Straits Settlements, Federated Malay States, Siam and French Indo-China.

Ambrose S. Dowling continues his activities in the field under supervision of Reisman, according to the statement.

Decision Reserved In Local 306 Suit

Supreme Court Justice William T. Collins yesterday reserved decision in the $1,000,000 suit filed by Local 306 against the I. T. O. A., 11 independent exhibitors and Allied Operators' Union. Samuel M. Birnbaum, represented Local 306. Milton C. Weisman was counsel for the I. T. O. A., Joseph Tepperson, represented Allied, and Kelly and Connolly acted for Jack W. Springer of the Springer & Cocalis circuit.

Supreme Court Justice Isidor Wasservogel has signed a temporary injunction against the Empire State operators' union enjoining the local from interfering with Charles Danzinger and 11 other members, presently employed, because of arrears in dues and assessments.

Mark Ostrer Sails

Mark Ostrer, member of the London banking firm of Ostrer Bros., who are backers of Gaumont British, sailed for London yesterday.

Looking 'Em Over

"His Double Life"

(*Paramount*)

In his latest venture as a producer, Eddie Dowling, associated with Arthur Hopkins, has turned out an amusing and entertaining picture, adapted from Arnold Bennett's "Buried Alive," and co-starring Roland Young and Lillian Gish. Although slow in getting started, once past the halfway mark, the action picks up and rolls along at a merry pace. Young gives his usual competent characterization, and Miss Gish manifests her old wistful charm and histrionic ability. Montague Love handles a small part competently.

The story concerns Young, a shy but world famous painter who, on the death of his valet, is not recognized and is forced to watch his servant be buried in Westminster Abbey under his name. He tries in vain to reveal his true identity. He marries Miss Gish, the sweetheart of his valet, and resumes his painting. His work is recognized, and after an amusing court scene, his true identity is revealed, and the final scene shows Young and his wife sailing from London in search of a land that the artist's fame has not reached.

"Wine, Women and Song"

(*I. E. Chadwick-State Rights*)

Subsequent runs, also double featuring houses, will find a good measure of production value for their money in this one. The story runs along melodramatic lines, particularly for the finish, but with much of the action taking place back-stage opportunity is offered to introduce several good song and dance sequences.

The story is that of a convent girl guided to the stage by her mother, a burlesque performer, and the girl's subsequent experience in romance with the infatuated theatre magnate. It ends in tragedy for both the designing magnate and the mother, who murders the former to save her daughter from him, and then succumbs herself, as the girl makes a successful stage debut and the path of her true love for the dance director of the production is smoothed.

Lilyan Tashman is the mother; Lew Cody the theatre magnate; Marjorie Moore, the daughter, and Matty Kemp, the dance director. Herbert Brenon directed.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 7)

for each other, what the revelation of their predicament would mean to society and the sentiment of the student body of the girls' school. Reaching an anti-climax, the girl confesses her situation to the captain of the school. Instead of ostracizing her, the student body rally around her, pledging moral and financial support. The boy in the meantime appears on the scene and takes the girl away to marry her.

The offering, as a whole, has many fine qualities that should appeal to lovers of natural outdoor splendors counterparting the emotions of youth caught in the swirl of human drama. While often repetitious in action, the film may be accepted by one class of audience and be boresome to another.

It represents delicate handling of difficult subject matter with Richard Wallace overcoming story lack by skillful manipulation of details. Aside from Miss Wilson and Montgomery, Kay Johnson is outstanding as the athletic instructress. The bevy of young girls who participate in giving life, action and color to the girls' school counterbalances the drab sequences called for by the story. Photography by Gilbert Warrenton is one of the highlights of the film. The play is an original by Helmut Brandis with Casey Robinson adapting.

Postpone Amity Action

Examination of E. W. Hammons in Amity Pictures' action to recover from Educational certain rentals alleged to be due from Tiffany productions, scheduled for yesterday, was postponed to Dec. 20.

Kompel Seriously Ill

Abe Kompel, associate of J. Louis Geller, local circuit operator, is seriously ill at the Columbus Hospital.

Wins in Pathe Suit

On the ground that she had suffered from nervous shock in the Pathe Studio fire in 1929 Mrs. Ella Fischbeck won a verdict of $15,000 and her husband was awarded $5,000 yesterday in Brooklyn Supreme Court. The case was tried before Justice Peter P. Smith.

Mrs. Fischbeck ran a luncheonette on the studio balcony.

Detroit Business Showing Pick-Up

(*Continued from page* 6)

and the first call on product, but the neighborhoods relatively are doing a better business despite their complaints. Business in late August and September was pretty grand for all concerned. In October, it began to fade and has kept right on going. Looking backward, the earlier impetus seems to have gathered steam from the initial excitement over the NRA. They say here now the effects of the "shot-in-the-arm" have worn off. Responsible opinion holds this applies similarly to the situation upstate.

Out in the territory, much by way of dissatisfaction is heard in undertones over the grip which the Butterfield circuit, part Publix, part RKO-owned, holds. The clearance granted the circuit by the majors is something which the independents argue is unwarranted and unfair. In private whispers, which occasionally become audible, they say something is going to be done about it. Actually, it looks like a job for the grievance board under the code.

Hopeful is the way to describe the attitude over this country's recognition of Russia. The Soviet needs automobiles. Michigan makes them and that's the lowdown on the expectation that from $30,000,000 to $40,000,000 in locally-made cars may prove to be Moscow's requirements in the next year.

It's pleasant to think about anyway.

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Cleveland, where the independent exhibitors are always ready for fight and usually are in the thick of one, will be covered next in this series.

Later: Columbus, Cincinnati, Pittsburgh and Washington.

New Financing and Producing Planned

Financing of productions, giving exhibitors a voice in the selection of stories and cast, and playing on a percentage basis are included in the plans for a new company being formed by Tom Moore, Lloyd H. Atkinson and H. H. Railey.

Moore, a Washington man, where he long operated the Rialto, was connected with Associated First National Exhibitors in the early days; Atkinson has been rail sales manager for Bethlehem Steel and chairman of the foreign trade committee of the Chemical Alliance, and Railey was personal representative for Admiral Richard E. Byrd during his first Antarctic expedition.

No stock is to be offered to the public, they say.

Statewide Hearing Off Until Jan. 11

MILWAUKEE, Dec. 15.—A hearing of Statewide Theatres' creditors scheduled for today was continued to Jan. 11.

Referee Milton Knoblach overruled objections of Fox Wisconsin and the Wisconsin Amusement Enterprises' attorneys by declaring he had jurisdiction to proceed in a summary action. Fox attorneys had maintained that the bankruptcy court had jurisdiction.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 142 NEW YORK, MONDAY, DECEMBER 18, 1933 TEN CENTS

Federal Aid Planned for Code Boards

Will Help Formation and Assist Isolated Spots

WASHINGTON, Dec. 17.—A Federal system to assist and augment trade boards set up under approved codes with their work of adjusting complaints of code violations is in process of organization. It provides for supplementary NRA code cooperation in the 48 states, the Recovery Administration disclosed yesterday.

The plan provides complaint adjustment machinery for an industry while it is organizing for itself the adjustment machinery authorized by its own code, or where it finds code compliance machinery too costly to be main-

(*Continued on page 4*)

W. V. King New U. A. Theatres Director

Willard V. King is a new factor in the United Artists Theatre Circuit, Inc., the directorate having been increased at the company's annual meeting late last week to make a place for him.

King is a director in a number of large corporations, including the All

(*Continued on page 10*)

Tickets in Demand For Ampa Luncheon

Tickets are going fast for the Ampa Christmas luncheon to be given at the Astor at 12:45 on Thursday. Accommodations are to be limited to 1,000 and the sale is to be stopped at this figure.

Heavy turnouts are looked for from home offices.

Has 5-Year Plan

Hollywood, Dec. 17.—Douglas Wadley Churchill, portly correspondent for the *New York Times*, has been airing his newest brain child to executives. The other day he pulled it on the head of a major studio.

"There is only one cure for what is wrong with pictures," stated Doug, "and that is my five-year plan."

"What's that?"

"Quit making them for five years," retorted Doug.

Higher Costs Absorb Bigger Indie Budgets

NRA Takes Cash Intended For Quality, Is Claim

HOLLYWOOD, Dec. 17.—Increased labor costs under NRA regulations are consuming the production budget increases made by small independent producers this season, with the result that the additions to picture quality which the higher antes were intended to purchase are less frequent and impressive than the producers had hoped and planned for last spring when the higher budgets were set.

With a good 50 per cent of independent producers announcing to

(*Continued on page 10*)

Mystery Enshrouds Plans of 4 Marxes

Whether the Four Marx Brothers will make another picture for Paramount before joining United Artists remains somewhat of a mystery, despite the fact Paramount claims it has signed the comedians for another picture.

Chico Marx on Saturday refused to comment on the future relations between the Marxes and Paramount and also was silent on the U. A. deal for one picture a year.

Price: One Dime

Sold, as advertised, by the Harris on West 42nd St. Saturday, all for one thin dime:

"Lady for a Day."

"The Private Life of Henry VIII."

"Three Little Pigs."

One two-reel comedy.

Features in Work Total 36 on Coast

HOLLYWOOD, Dec. 17.—Production activity for the week ending Dec. 16 shows a slight increase over the preceding week, yet far from being normal. Features in work total 36 as against 34 for the preceding week. Twenty are in final stages of preparation while 43 are reported to be in the cutting rooms.

The short subject division reports 12 in work, 13 in preparation and 21 in the cutting rooms.

Warners lead the field for number of features in work, reporting eight working, three preparing and three in the cutting rooms. Paramount and

(*Continued on page 2*)

Mary Pickford Set For Week at Para.

For the first time in her career Mary Pickford will make a week's personal appearance at the New York Paramount under a deal closed with her, Dennis F. O'Brien, her attorney, and Sam Dembow, Jr. She goes in

(*Continued on page 10*)

Wages Puzzle To Non-Union Theatre Code

Hazy About "Prevailing" Scales Under Code

Application of the code's minimum wage and maximum hour provisions to theatre employes where non-union labor is employed and where no "prevailing" wage scale existed as of last Aug. 23 is puzzling scores of exhibitors and may present the first arbitration problem under the code in many situations.

The code establishes the "prevailing" scale and hours in effect on Aug. 23 of this year as the basis for minimum wages and maximum hours for theatre employes; this "prevailing" scale to be determined in case of a dispute by the wages and hours in effect in the same class of theatres in the same locality. Since the code became effective, however, a number of situations have been discovered where exhibitors employ non-union labor and

(*Continued on page 4*)

Last Code Authority One of Three Women

Choice of the third and last government representative on the Code Authority now centers around one of three prominent women at present identified with government activities but not affiliated with the industry, MOTION PICTURE DAILY learns. She will be named either today or tomor-

(*Continued on page 4*)

Randel Sees "Tough" Year on Film Board

"There is a tough year ahead," Henry Randel, Brooklyn Paramount exchange manager and president-elect

(*Continued on page 10*)

Cohn and Schaefer Long On Optimism for New Year

By JACK COHN
Vice-President, Columbia

If recovery continues at the present rate, 1934 should prove a banner year for the entire industry. All indications for the new year afford greater encouragement than has been apparent in a long time.

Large numbers, strangers to the theatre through having long been out of work, have again made their presence felt at the box-office with the increasing spread of re-employment. This already has proven a stimulating in-

(*Continued on page 10*)

By GEORGE J. SCHAEFER
General Manager, Paramount

As we near the beginning of 1934, it is obvious that an ever-growing spirit of optimism animates the public. I confidently believe that the industry, always close to the lives of the people, will be the first of the major industries to feel a favorable

(*Continued on page 10*)

Mail Code Forms

Washington, Dec. 17.—Special printed forms for approving the industry code are being mailed to 12,000 exhibitors throughout the country, each independent exchange, executive heads of the major distributing and producing companies, circuit officials and various theatre units by Deputy Administrator Sol A. Rosenblatt. All parties have until Jan. 10 to sign and reap the benefits of the code's provisions.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Fay Wray in "Villa"

HOLLYWOOD, Dec. 17.—Following a three-week search for a leading woman to replace Mona Maris in "Viva Villa," M-G-M has signed Fay Wray for the role.

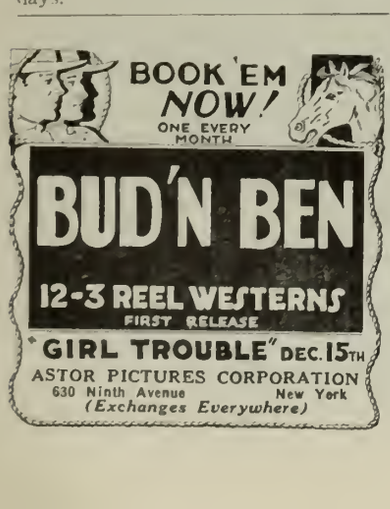
The assignment completes the cast switches in the film, which has been jinxed ever since the Lee Tracy episode in Mexico.

DuWorld Gets Trojan

DuWorld Pictures, Inc., has taken over foreign distribution of Trojan Pictures' "Shadow Laughs," starring Rose Hobart and Hal Skelly, and "Big Town," featuring Lester Vail and Frances Dade.

"Christina" for Astor

"Queen Christina" opens at the Astor Dec. 27 on a two-a-day plan. "Eskimo" closed last night and the house will remain dark for 10 days.



Some Films Here Cost Less — Glett

Pictures budgeted at $100,000 and up can be produced in the east with greater economy than on the west coast, according to Charles L. Glett, sales manager of Freuler Film Associates. Hollywood, however, continues as the cheapest base of operations for the small producer whose pictures are budgeted at a maximum of approximately $50,000, he said, largely because it offers a wider selection of players to meet the needs of such producers.

Glett said that the producer who can turn out an acceptable picture in Hollywood for $50,000 would have difficulty duplicating the picture in the east for that amount because available talent here is too costly for the small producer's purposes. To import his casts from Hollywood and pay traveling and resident expenses here would more than eat up any saving he could realize from other phases of eastern production which offer economies, he said.

"The small producer in Hollywood," Glett pointed out, "is in a position to pick up a 'name' player for a few days' work at almost any time, fitting in with low budget requirements. The same opportunity, within the same cost, isn't there for him yet in the east."

Blind Pick Film Stars

Blind persons who have been attending Brooklyn theatres on passes furnished through the efforts of the Brooklyn Association for Improving the Condition of the Poor have their favorites the same as those who see. Their choices are based entirely on the sounds of voices and the personalities they build up through their imaginations. Lionel Barrymore and Marie Dressler lead the list, with John Barrymore and Helen Hayes runners-up. Others well up in the voting are George Arliss, Wallace Beery, Will Rogers, Walter Huston, Warner Baxter and Clark Gable.

"U" Shutdown Complete

HOLLYWOOD, Dec. 17. — Shutdown of the Universal studio is complete, except for writers. Ken Maynard's "Honor of the West" has been postponed until Jan. 9. "The Great Ziegfeld" will not go into production until March.

Features in Work Total 36 on Coast

(*Continued from page 1*)

M-G-M follow closely with seven each in work. The former has two in preparation and two cutting, while M-G-M reports three preparing and 10 in the cutting rooms. Fox has five, five and four; Columbia, three, two and five; RKO, one, two and eight; United Artists, one, zero and four; Universal, zero, zero and two. Independent producers report four working, three preparing and five cutting.

In the short subject division Roach reports three working, three preparing and four cutting; M-G-M, one, one and two; Columbia, one, two and one; Universal, zero, zero and two; RKO, zero, two and four. Independent group shows seven, five and eight.

Baltimore Editor Hits Censor Board

BALTIMORE, Dec. 17.—An attack on the Maryland Censor Board by the *Baltimore Evening Sun* has resulted from the court defeat sustained by the board over its rejection of "Blood Money." The censors rejected the picture in its entirety and United Artists took the matter into the City Court. Chief Judge Dennis permitted the showing of the film.

Next day the *Sun* editorially commented on the fact that every other censor board in the country had passed the picture and continued: "When a jurist as level-headed as Chief Judge Dennis finds fault with an arbitrary decision such as the censors made, it would be high time, one would imagine, that the members of the board pull themselves together and try to reflect the attitude of the adult, civilized public in Baltimore and Maryland.

"If such monkeyshines are continued, then it will be time for Governor Ritchie to call for the resignation of all members of the board, and, if we must have censors, appoint others in their places."

Warners Darken Four

MILWAUKEE, Dec. 17.—In addition to its Capitol in Madison, Warners have closed the Retlaw in Fond du Lac., the Venetiian in Racine and the Kosciuszko in Milwaukee. Several of the houses are expected to reopen Dec. 24.

Market Slips—Trading Light

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	2¼	2¼	2¼	— ¼	100
Consolidated Film Industries, pfd.	9¾	9¾	9¾	+ ⅛	100
Eastman Kodak	80¼	79	79	—2½	400
Fox Film "A"	14⅛	14	14	— ¼	500
Loew's Inc.	31½	30½	31	— ⅜	1,800
M-G-M, pfd.	18¾	18	18	— ¼	200
Pathe Exchange	1⅝	1⅝	1⅝	— ⅛	1,300
Pathe Exchange "A"	11	11	11	—1¼	1,400
RKO	2⅜	2⅜	2⅜	+ ⅛	100
Warner Bros.	5¾	5¾	5¾	— ⅛	300

Technicolor Off ⅞ on Curb

	High	Low	Close	Net Change	Sales
Technicolor	9¼	9	9	— ⅞	300

Warner Bros. Bonds Off 1¾

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	2⅞	3	.....	20
General Theatre Equipment 6s '40, ctf	2¾	2¾	2¾	.....	3
Keith B. F. 6s '46	50	50	50	.....	3
Loew's 6s '41 ww deh rights	82	82	82	.....	2
Paramount F. L. 6s '47	28¾	28¼	28¼	— ⅜	15
Paramount Publix 5½s '50	29	28¾	29	+ ⅛	5
Warner Bros 6s '39 wd	40½	39	39¼	—1¾	46

Purely Personal

ROY MACK found himself in the middle of a surprise birthday party at the Vitaphone studio the other day. Principal thrill was the resurrection of an old photo of the director whose burning ambition now is to discover who dug it up and how.

CHARLES REED JONES, advertising representative for several independent producers and distributors, wants it known that he was very much present at J. J. MCCARTHY'S conference with independent ad men last week. His name was inadvertently omitted from the list of conferees.

HENRY J. REINER, formerly with National Screen Service, heads the sales staff of the newly formed Herbert Z. Given Co., Inc., and G. H. DALRYMPLE, until recently with Krimsky-Cochran, is handling advertising and publicity.

ENRIQUE BAEZ, U. A. general manager in Brazil, left Saturday to spend the Christmas holidays with his family in Havana. He will continue from there to Brazil.

JACK WHITE, who personally produced "Popping the Cork" with MILTON BERLE for Educational, is looking around for material for his next season's program.

GILBERT GOLDEN is now editor of Warners' merchandising campaigns and LEO BLUMBERG is in charge of the company's exploitation section of press books.

E. H. ALLEN, Educational's production chief on the coast, is in New York conferring with EARLE W. HAMMONS.

JULES RIEFF has joined Columbia as eastern division booker and has left for Buffalo. He was formerly office manager for U. A. in Cincinnati.

CLAIRE TREVOR, young Fox player, has arrived in town to spend the Christmas holidays with her family at Larchmont.

JAMES J. FINN, editor of *International Projectionist*, leaves by plane for the coast today and will return within a week.

PANDRO BERMAN, associate producer for Radio, sailed on the *Ile de France* Saturday for a month's vacation in Europe.

ARNOLD VAN LEER, Columbia's exploiteer, has been appointed a deputy sheriff by SHERIFF HIGGINS of New York County.

AL CHRISTIE and MRS. CHRISTIE have gone to Miami to spend Christmas.

HARRY BRAND, in charge of coast publicity for 20th Century, left for Hollywood Saturday.

ABE LYMAN and his band start today on a third Vitaphone short.

TOBY and PAT WING arrive from Hollywood today.

A FINAL WORD TO THEATRES PLAYING "LITTLE WOMEN" DURING THE HOLIDAYS!

With interest nation wide, you would probably play to exceptional business if you brought "Little Women" in on gum-shoes . . . but no showman is going to be so foolish as to pick his own pocket or rob his own Christmas stocking.

Sure, the holidays are always good for show business . . . but you'll never know *how* good they can be until you shoot the works for "Little Women" and get the final count up! We've told you there were millions of dollars of "earmarked" money waiting for this show and toppling records, extended runs and soaring grosses have proven it!

The holidays are going to be sensational for showmen smart enough to realize that "the better the day, the better the deed" . . . and that "the more fertile the soil, the more abundant the harvest" . . . Don't be satisfied just because the holidays are always good . . . get the Velvet by going after that "earmarked" money!

This week, before they close, make your school contacts . . . everywhere educators have been eager to cooperate with theatres! Start your advance advertising NOW in the newspapers . . . make yours the one theatre the whole family will want to attend during the holidays! Do your posting now to get them talking about it for anticipation of a coming event is a showman's greatest asset! Open your doors earlier . . . give extra shows . . . advertise as you have never advertised before . . . the money is there waiting for you . . . it's "earmarked" for "Little Women" . . . nothing else will get it . . . If you don't get it by going after it you're just robbing your own Christmas stocking.

RKO Radio Pictures

Wages Puzzle To Non-Union Theatre Code

(Continued from page 1)

have no immediate competition which would establish a "prevailing" wage and hour scale for their territories. Exhibitors in such situations are now inquiring as to their obligations under the code. Their own scale, they maintain, is and has been the only "prevailing" one in their localities. Are they obligated to make any changes, they want to know.

The code provides that any theatre employes not provided for in other sections of the labor provisions must be paid a minimum of 40 cents per hour. Some unorganized classes of employes, however, have petitioned for a higher schedule of wages, more nearly corresponding to organized labor's scales in effect last August. In the meantime, most exhibitors in such situations are maintaining the 40 cents minimum until formal complaints have been made and a ruling results from an arbitration board. Indications are that many such disputes will develop for arbitration and numbers of them will undoubtedly be carried to the Administrator for ultimate settlement, as provided by the code in the event the arbitrators cannot agree.

The situation is also seen by many exhibitors as contributing to organization of theatre employes in presently unorganized localities.

Last Code Authority One of Three Women

(Continued from page 1)

row by Deputy Administrator Sol A. Rosenblatt, who arrives from Washington tomorrow for preliminary work on the initial session of the Code Authority, scheduled for the Bar Association Building Wednesday afternoon.

Following the first meeting, permanent headquarters will be established in New York. A paid secretary will be in charge of the office here and this is expected to be completed within the next 10 days.

Selection of names for the 32 clearance and zoning boards will not be completed and announced for about another month. It is understood Charles L. O'Reilly, a member of the authority, has been enlisted by Rosenblatt to assist in the selection of the various boards' names throughout the country.

Rosenblatt is expected to be elected chairman of the Code Authority on Wednesday.

Kent Delayed on Coast

Delayed on the coast, Sidney R. Kent, president of Fox, will not return until after the first meeting of the Code Authority in New York on Wednesday. Kent is due Dec. 24 and in all probability will be represented by W. C. Michel, vice-president of Fox, as alternate at the authority session.

Md. M.P.T.O. O.K.'s Code

BALTIMORE, Dec. 17.—Frank A. Hornig, president of the M. P. T. O. of Maryland, announced Saturday his organization has approved the code as it stands.

Looking 'Em Over

"Secret Sinners"

(*Syndicate*)

Good light entertainment. Some of the well known names in the cast—Bert Roach and Natalie Moorhead—play only very short bits, but the story holds together and probably will have flapper appeal.

Cecelia Parker, Iowa girl doing housework in a theatrical boarding house until she can get a job on the stage, meets Sue Carol, chorine, who is in love with Nick Stuart, young song writer. Miss Carol gets the Iowa girl a job in the chorus and by chance they meet Jack Mulhall outside the stage door.

Mulhall's interest in Miss Parker is so keen he buys a music publishing house for Stuart and the quartet gets along well until Miss Parker learns at a night club that Mulhall is married to Miss Moorhead. The fact that he is being held up for a half million as the price of a divorce doesn't count and she goes out riding with a Broadway playboy to show her resentment.

An automobile accident in which Miss Parker is injured brings them together again.

Mulhall practically dominates the picture, although Miss Carol and Stuart are attractive as boy and girl sweethearts.

"He Couldn't Take It"

(*Monogram*)

Ray Walker is up to his usual tricks as a hard-boiled fighting man in a fairly amusing picture. Virginia Cherrill turns in a convincing performance and George Stone steals most of the picture as Walker's buddy.

The story concerns a hot-headed youngster who is continually losing his job because of a quick temper and ever ready fists. He finally winds up working as a process server in a law office. While there he is drafted by the district attorney's office to aid in the city's war against racketeers, and is given two subpoenas to serve on two gang-lords of the town. The difficulties into which he gets himself, and his escapes afford some amusement. But Walker, with the help of Stone, finally serves both culprits with the warrants, unmasks the villains and wins the forgiveness and hand of Virginia Cherrill.

Most amusing scene in the picture is the final one, in which Miss Cherrill, thinking she is being arrested, is led into the marriage license bureau by two detectives.

"Hell and High Water"

(*Paramount*)

Quite a number of laughs are provided in this tangy tale of the garbage king of the navy whose ambition is to save his money and get ahead. This is all inspired by radio talks, but when it comes down to brass tacks, the hero finds it doesn't work out as etherized.

Matsui, a Japanese, supplies most of the comedy with Charles Grapewin running a close second. Richard Arlen as the refuse collector who rescues Judith Allen from the miry waters and marries her after many arguments does pleasing work. Sir Guy Standing, Robert Knettles, Gertrude Hoffman and the rest of the cast lend able support to this frothy romance of the waterfront.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Moulin Rouge"

(*20th Century-U. A.*)

HOLLYWOOD, Dec. 17.—Here is a Franco-American highball, lively with farcical nuance and a main situation not too risque, but modernly clever.

With the idea that a husband's falling in love with another woman who really is his own wife makes for romantic and juicy complications, the producers have embroidered this central design with musical numbers, and laid it midst lavish settings. Constance Bennett plays the wife of an author who wants a stage career. Her husband, Franchot Tone, protests, and their romance gets rocky. By fortuitous circumstances, Miss Bennett is able to take the place of Raquel, an imported French star who at one time was her sister in vaudeville. When her husband

(Continued on page 10)

Federal Aid Planned for Code Boards

(Continued from page 1)

tained, or wherever it needs the aid of Government machinery. While not itself equipped with enforcement powers, the new Federal district system is designed to deal with cases of noncompliance with industry codes arising from misunderstandings and to initiate prompt prosecution by proper Government agencies of wilful noncompliance with codes.

As the basis of the plan 26 district compliance directors have been named already, and these will eventually be supplemented by at least 48 state directors. In certain large states, branch offices will be established with additional directors as the need arises. In addition, each state will have an adjustment board working with the director; the board to consist of a representative of the public, a representative of industry and one of labor.

Complaints brought to state directors under qualified circumstances, which cannot be adjusted by them, may be taken to state adjustment boards. If no settlement can be reached by such boards, the complaint goes to the NRA in Washington to be referred to the code authority of the industry involved. In the case of the film industry such complaints of code violations could originate only where local grievance or clearance and zoning boards are not in operation at the time of the alleged code violation or in localities where the headquarters of the state or district boards are more convenient to the complainant than those of the local film code boards.

The NRA's state and district boards would have jurisdiction over film code violations arising in any locality during the period from Dec. 7, the date on which the code went into effect, until the time when the local boards are organized and operating. It may require another month or six weeks before this has been realized.

Cases which cannot be settled by the Code Authority will be referred to the National NRA Compliance Board, which, in turn, may refer them to the Attorney General or the Federal Trade Commission for settlement.

Steffes to Sign Code

MINNEAPOLIS, Dec. 17.—W. A. Steffes personally will sign the code under protest. He said as much here yesterday following the close of the Allied meeting.

What he told those present at the meeting was not disclosed.

Goldwyn to Come East

HOLLYWOOD, Dec. 17.—Sam Goldwyn plans to leave for New York around the first of the year for his annual business conferences at the home office. There is some talk of Goldwyn suspending all production activity until April 1.

Resume M.P. Club Dining

Dining will be resumed at the M. P. Club on Dec. 20. The dining room will be under the direction of Henry Stein of the Preakness Country Club.

WE GOTTA RIGHT TO TURN HANDSPRINGS--

Certainly "His Nibs" is turning handsprings. And a few nip-ups, too.

"His Nibs," by the way, the limber little fellow to your left, is a guy you'll see a lot of from now on. He'll tell you, when the mood seizes him, about Majestic pictures, Majestic bookings, Majestic stars, Majestic progress as one of the leading companies of the business.

He's pleased, and so are we, because Majestic has two swell pictures on Broadway the same week.

THE SIN OF NORA MORAN
Opened Big
At Warners' Strand Theatre
Tuesday, Dec. 12th

THE CHARMING DECEIVER
Premiered
At the 7th Ave. Roxy
Friday, Dec 8th

AND

Here are a few more reasons for a little dancing in the streets:—

"You Made Me Love You," starring Thelma Todd, booked by the Roxy for January dating.

"The Charming Deceiver," starring Constance Cummings, opens at Fox Theatre, Brooklyn, Dec. 15th.

"The Sin of Nora Moran," opens at Warners' Fabian, Dec. 15th.

"You Made Me Love You," opens at Warners' Branford, Dec. 15th.

"You Made Me Love You," and "Curtain at Eight," opens at Fox Theatre, St. Louis, Dec. 22nd.

Picture Prosperity
MEANS
MAJESTIC PRODUCT

•

Here's the *PROSPERITY GROUP* That Spells Bigger and Better Business

•

"The Charming Deceiver"
Starring CONSTANCE CUMMINGS

•

"You Made Me Love You"
Starring THELMA TODD

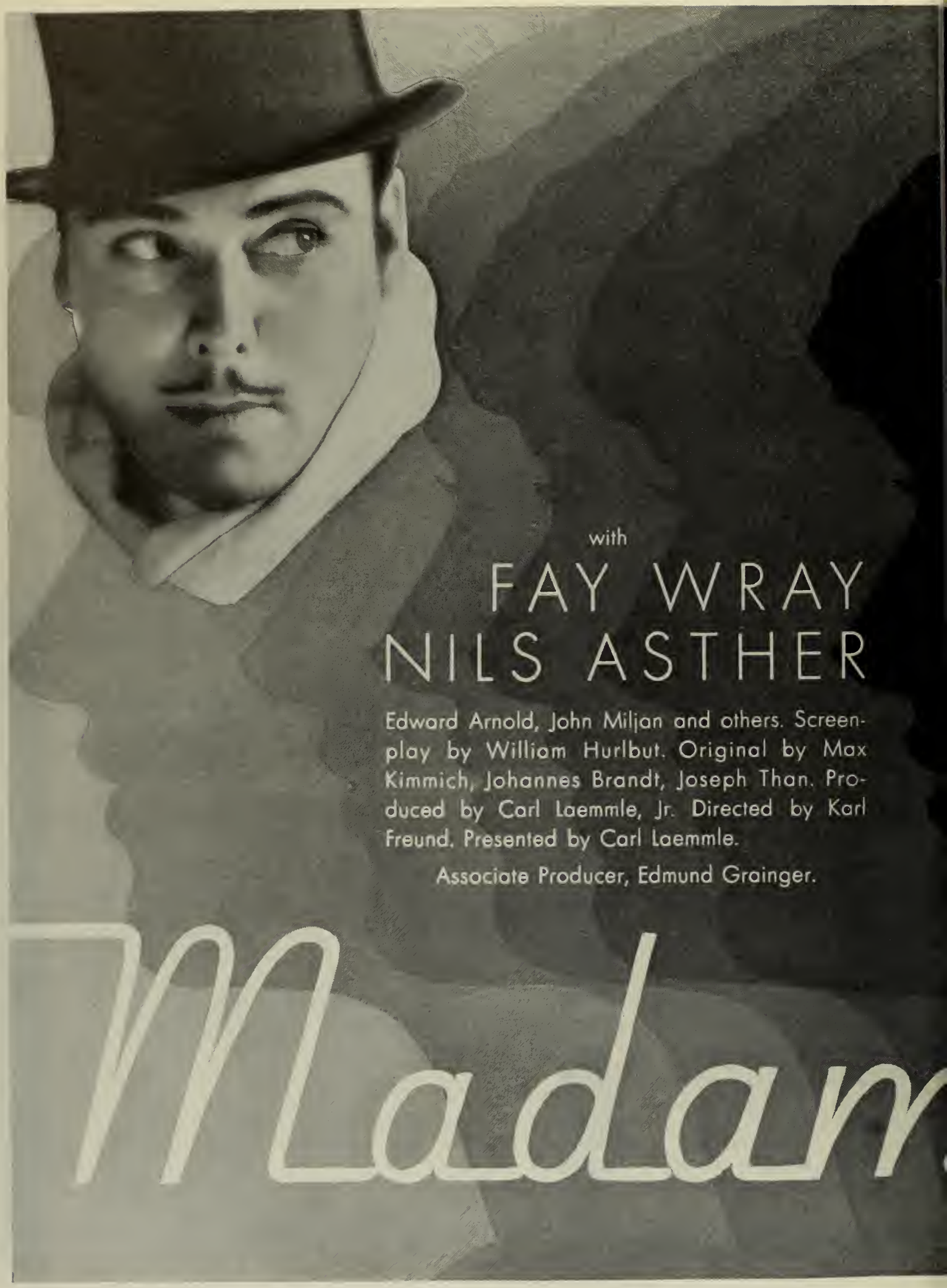
•

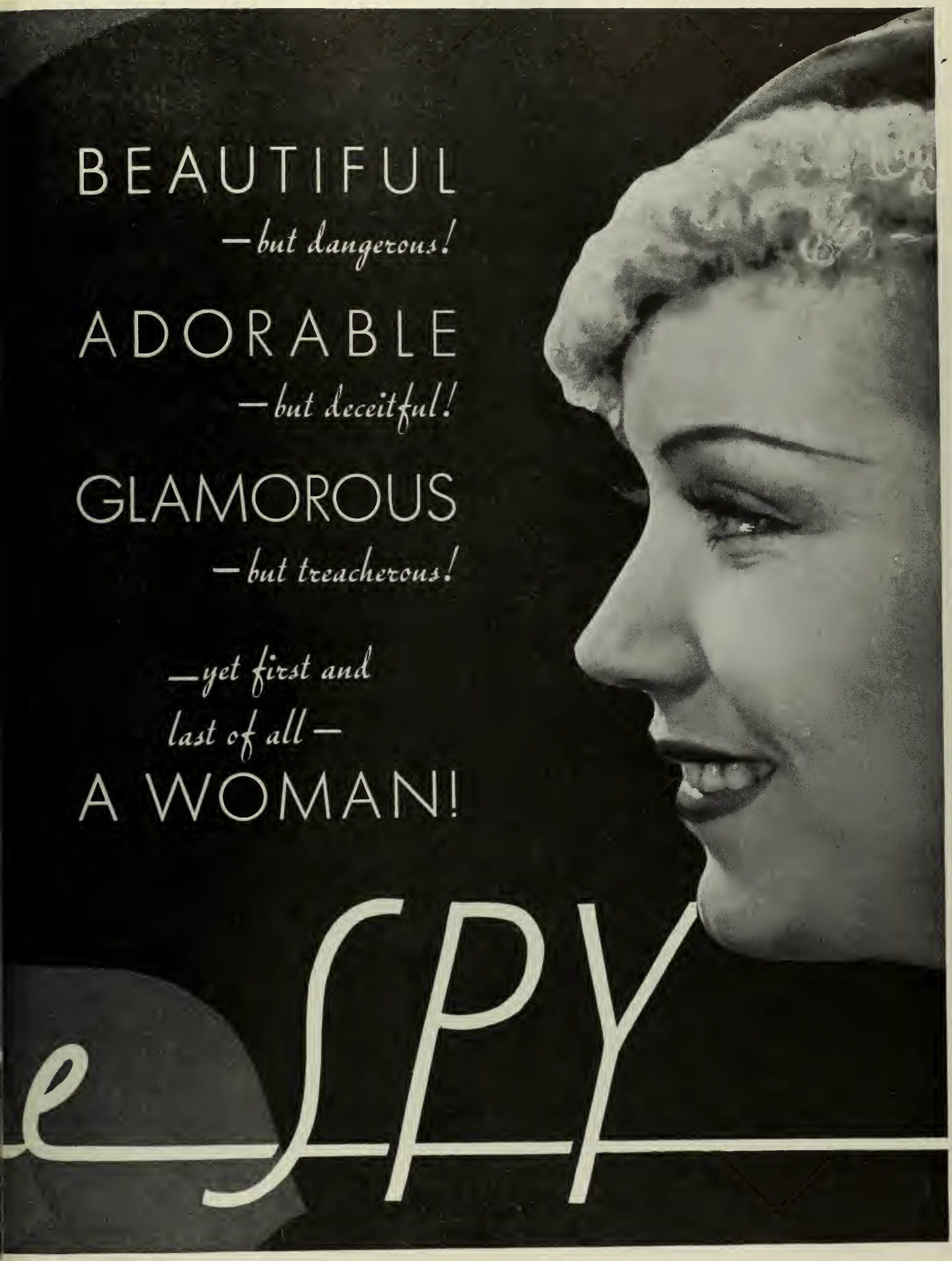
"The Morning After"
starring BEN LYON and SALLY EILERS

MAJESTIC PICTURES CORPORATION

Herman Gluckman, President

R-K-O Building : : : Radio City : : : N. Y.


with
FAY WRAY
NILS ASTHER
Edward Arnold, John Miljan and others. Screen-play by William Hurlbut. Original by Max Kimmich, Johannes Brandt, Joseph Than. Produced by Carl Laemmle, Jr. Directed by Karl Freund. Presented by Carl Laemmle.
Associate Producer, Edmund Grainger.
Madan


BEAUTIFUL
—but dangerous!
ADORABLE
—but deceitful!
GLAMOROUS
—but treacherous!
—yet first and
last of all—
A WOMAN!
SPY

Chicago Puts 'Women' Take Up to $34,500

CHICAGO, Dec. 17.—"Little Women" lived up to advance expectations and scored the big take in the Loop last week, shooting the gross at the RKO Palace up to $34,500. It was held over—a thing that happens once in a blue moon.

Business generally was strong, the exception being the take at the Chicago, which slipped to $32,000 with "Hoopla" and a stage show featuring the WLS barn dance entertainers. Against this decline "Only Yesterday" hit $18,500 at McVickers and B. & K. promptly held it over for a second week.

"Dancing Lady," after a week at the Chicago, came through strong with $15,300 for a second week at the 50-cent top Roosevelt.

Total first run business was $123,300. Average is $120,000.

Estimated takings:

Week Ending Dec. 5:

"ONLY YESTERDAY" (Univ.)
McVICKERS—(2,284), 30c-40c-60c, 7 days. **Gross:** $18,500. (Average, $13,000.)

"FOOTLIGHT PARADE" (Warners)
ORIENTAL—(3,940), 30c-40c-60c, 3rd week, 7 days. **Gross:** $14,000. (Average, $23,000.)

"PRIVATE LIFE OF HENRY VIII" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $11,000. (Average, $17,000.)

Week Ending Dec. 7:

"HOOPLA" (Fox)
CHICAGO—(4,000), 35c-50c-68c, 7 days. WLS Barn Dance performers on stage. **Gross:** $32,000. (Average, $34,600.)

"LITTLE WOMEN" (Radio)
PALACE—(2,509), 35c-50c-75c, 7 days. Ken Murray, Hudson Wonders, Alice Dawn, Abbott Ballet on stage. **Gross:** $34,500. (Average, $22,000.)

"DANCING LADY" (M-G-M)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $15,300. (Average, $11,000.)

"Women" $14,500, Hit in Providence

PROVIDENCE, Dec. 17.—The big noise in town last week was "Little Women," which dragged the RKO Albee back into the big money class, netting $14,500. It was held over.

Next in line came "The Prizefighter and the Lady," Loew's, which was a trifle under par, but not bad at $11,500. This offering, however, was helped by the stage presentation of "The Student Prince."

Total first run grosses were $47,300. Average is $40,500.

Estimated takings for the week-ending Dec. 7:

"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. "The Student Prince" on stage. **Gross:** $11,500. (Average, $12,000.)

"DUCK SOUP" (Para.)
"BROKEN DREAMS" (Chesterfield)
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $7,000. (Average, $6,500.)

"JIMMY AND SALLY" (Fox)
FAY'S—(1,600), 15c-40c, 7 days. Karre Le Baron heading stage bill. **Gross:** $6,200. (Average, $7,000.)

"LITTLE WOMEN" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $14,500. (Average, $7,000.)

"THE WORLD CHANGES" (Warners)
"OLSEN'S BIG MOMENT" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000.)

"ONE YEAR LATER" (Allied)
"WOLF DOG" (Mascot)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000.)

"Women" and "Yesterday" Held in K. C.

KANSAS CITY, Dec. 17.—This city is having the unusual experience of holdovers at two first runs. "Little Women," with $12,000 in the sock for a first stanza, is in its second week at the Mainstreet, while "Only Yesterday" is covering the same distance at the Uptown, having pulled $5,000 in the first seven days.

With a take that doubled the house's straight film average, "Little Women" is proving the strongest screen attraction the Mainstreet has had in many moons. The consensus among the theatre men is either of the two holdovers would do better business without competition from the other, as both appeal largely to the same class of patrons.

"The Kennel Murder Case" was an average draw at the Newman, while "Henry VIII," generally credited as one of the finest pictures of the year, was the Midland's frost.

Total for the week was $32,800. Average is $26,000.

Estimated takings:

Week Ending Dec. 6:

'LITTLE WOMEN" (Radio)
MAINSTREET—(3,049), 25c-40c, 7½ days. **Gross:** $12,000. (Average, $6,000.)

"KENNEL MURDER CASE" (Warners)
NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $7,000. (Average, $7,000.)

Week Ending Dec. 8:

"THE PRIVATE LIFE OF HENRY VIII" (U. A.)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $8,800. (Average, $10,000.)

"ONLY YESTERDAY" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $5,600. (Average, $3,000.)

"Women" Is $8,000 Indianapolis Smash

INDIANAPOLIS, Dec. 17. — Little Women" bowled 'em over at the Circle with a sensational $8,000, topping the normal take by $4,500. It was held over.

Every other first run was below average. Total first run business was $24,000. Average is $24,500.

Estimated takings for the week ending Dec. 9:

"THE INVISIBLE MAN" (Univ.)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

"LITTLE WOMEN" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $8,000. (Average, $3,500.)

"TAKE A CHANCE" (Para.)
INDIANA—(3,300), 25c-55c, 7 days. Stage show. **Gross:** $5,500. (Average, $8,000.)

"TILLIE AND GUS" (Para.)
LYRIC—(2,000), 25c-40c, 7 days. Stage show. **Gross:** $4,500. (Average, $6,000.)

"SHOULD LADIES BEHAVE" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500.)

Liberty Readies Second

HOLLYWOOD, Dec. 17. — "When Strangers Meet," based on a Zona Gale story, goes into production soon as the second on a schedule of eight to be produced this season by Liberty Pictures Corp., the new M. H. Hoffman company. Budd Rogers is in charge of sales.

Page Mr. Ripley

Believe it or not, but Pathe News, in its reel No. 39, is featuring a German canary that sings "Yankee Doodle." The editors will even produce affidavits to prove the bird's ability.

Frisco Gets $22,500 Take With 'Women'

SAN FRANCISCO, Dec. 17.—"Little Women" had them standing up all week at the Golden Gate, grossing $22,500, the best take for this house since last April with "King Kong." The mark might have been considerably higher, had not the house reduced admission charges from 55 cents to 40 cents the week before. As it was, it failed by several thousand of hitting a record. It stays another week, and possibly a third.

Other houses were only fair. Mae West closed at the Embassy with $5,400, in the eighth week. With two weeks at the Paramount, and six more at the Embassy, "I'm No Angel" took a phenomenal total gross of $103,900. This is close to an all-time San Francisco record.

Total first run business was $89,400. Average is $83,000.

Estimated takings:

Week Ending Dec. 5:

"CRADLE SONG" (Para.)
COLUMBIA—(1,200), 50c-75c-$1.50, two-a-day, 7 days. **Gross:** $7,000. (Average, $7,000.)

"LITTLE WOMEN" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $22,500. (Average, $13,000.)

Week Ending Dec. 6:

"I'M NO ANGEL"
EMBASSY—(1,380), 30c-40c-50c, 7 days, 6th week. **Gross:** $5,400. (Average, $4,000.)

"JIMMY AND SALLY" (Fox)
"BEFORE DAWN" (Radio)
ORPHEUM—(3,000), 15c-35c-40c, 7 days. **Gross:** $8,000. (Average, $9,000.)

"MY LIPS BETRAY" (Fox)
WARFIELD—(2,700), 25c-35c-55c.65c-90c. 7 days. Stage, band. **Gross:** $18,000. (Average, $19,000.)

"ABOVE THE CLOUDS" (Col.)
"HE COULDN'T TAKE IT" (Monogram)
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage: Ten vaudeville acts. **Gross:** $11,500. (Average, $9,000.)

Week Ending Dec. 8:

"BERKELEY SQUARE" (Fox)
PARAMOUNT—(2,670), 25c-35c-55c-75c, 7 days. **Gross:** $8,000. (Average, $15,000.)

"ADVICE TO THE LOVELORN" (U.A.)
UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days. **Gross:** $8,500. (Average, $8,000.)

"Little Women" Is Smash in Portland

PORTLAND, Dec. 17.—"Little Women," in its initial week at Hamrick's Music Box, broke house records with an intake of $14,000, or almost five times the house average. It is on for an indefinite run. "Footlight Parade," in its fifth Portland week, was transferred to the Blue Mouse, scoring $3,000. Normal is $2,000.

"Dancing Lady," at the Broadway, was also strong in its second week, maintaining average. In its first double billing, the Paramount, with "Duck Soup" and "Worst Woman of

(*Continued on page 9*)

"Women" Big Twin Cities' Hit, $14,000

MINNEAPOLIS, Dec. 17.—"Little Women" was a sensation on both sides of the river last week, piling up a total gross of $14,000 for the two spots. The take at the RKO Orpheum here was $8,000, over normal by $2,500, and at the Orpheum in St. Paul it was $6,000, up by $2,000.

"Christopher Bean" was also strong, going to $8,000 at the Minneapolis here and to $5,500 at the St. Paul Paramount.

Minneapolis' five theatres grossed $24,800, compared with a $20,500 average. St. Paul's quintet did $17,700. Average is $14,000.

Estimated takings:

Minneapolis:

Week Ending Dec. 7:

"COLLEGE COACH" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

"CHRISTOPHER BEAN" (M-G-M)
MINNESOTA—(4,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,500.)

Week Ending Dec. 8:

'LITTLE WOMEN" (Radio)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. **Gross:** $8,000. (Average, $5,500.)

"FEMALE" (F. N.)
STATE—(2,300), 25c-40c, 7 days. Mills Brothers in person. **Gross:** $6,000. (Average, $5,500.)

"BITTER SWEET" (U. A.)
WORLD—(400), 25c-75c, 7 days. **Gross:** $1,300. (Average, $1,200.)

St. Paul:

Week Ending Dec. 8:

"CHRISTOPHER BEAN" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)

'MEET THE BARON" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500.)

"LITTLE WOMEN" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 7 days. **Gross:** $6,000. (Average, $4,000.)

"COLLEGE COACH" (Warners)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average, $800.)

"OLSEN'S BIG MOMENT" (Fox)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $800. (Average, $700.)

"RED-HEAD" (State Rights)
WORLD—(300), 25c-75c, 7 days. **Gross:** $1,000. (Average, $1,000.)

"Duck Soup" Gets $7,000, Oklahoma

OKLAHOMA CITY, Dec. 17.—"Duck Soup" was the outstanding draw here last week. It went to $7,000 at the Midwest, topping par by $3,000 on an eight-day run.

"Christopher Bean" at the Criterion was good for $6,800, above average by $1,800. Grossing $3,500, the Capitol went above par by $500 with "Female." The Liberty took $2,200 on "The Mad Game" and "Olsen's Big Moment."

First run take was $19,500. Average is $15,000.

Estimated takings for the week ending Dec. 9:

"DUCK SOUP" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 8 days. **Gross:** $7,000. (Average, $4,000.)

"CHRISTOPHER BEAN" (M-G-M)
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $6,800. (Average, $5,000.)

"FEMALE" (F. N.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 8 days. **Gross:** $3,500. (Average, $3,000.)

"THE MAD GAME" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,200. (Average week, $3,000.)

"OLSEN'S BIG MOMENT" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,000. (Average week, $3,000.)

"Design" Top In Dull Week On the Coast

Los Angeles, Dec. 17.—Business continued to fade last week, with "Design for Living" the only thing resembling a real draw. It took $15,500 in its second week at the Paramount, but this was below the house average by $2,500.

"You Made Me Love You," a Majestic feature, took $3,000 at the 800-seat Filmarte.

"Roman Scandals" slid off to $11,460 in its week at Grauman's Chinese.

Total first run business was $95,079. Average without Pantages and the 4 Star, is $93,400.

Estimated takings for the week ending Dec. 14:

"ROMAN SCANDALS" (U. A.)
CHINESE—(2,500), 50c-$1.65, 2nd week, 7 days. Sid Grauman prologue. **Gross:** $11,460. (Average, $14,000.)

"MY LIPS BETRAY" (Fox)
LOEW'S STATE—(2,413), 25c-40c, 7 days. **Gross:** $8,589. (Average, $14,000.)

"DESIGN FOR LIVING" (Para.)
PARAMOUNT—(3,595), 25c-40c, 2nd week, 7 days. Georgie Stoll and his orchestra, stage show. **Gross:** $15,500. (Average, $18,000.)

"MAN'S CASTLE" (Col.)
RKO—(2,700), 25c-40c, 2nd week, 7 days. **Gross:** $3,700. (Average, $8,000.)

"HAVANA WIDOWS" (F. N.)
WARNER BROS.' HOLLYWOOD—(3,000), 25c-40c, 7 days. **Gross:** $10,000. (Average, $14,000.)

"HAVANA WIDOWS" (F. N.)
WARNER BROS.' DOWNTOWN—(3,400), 25c-40c, 7 days. **Gross:** $9,000. (Average, $12,000.)

"YOU MADE ME LOVE YOU" (Majestic)
FILMARTE—(800), 40c-50c, 7 days **Gross:** $3,000. (Average, $2,650.)

"ELYSIA" (Foy Prod.)
CRITERION—(1,610), 25c-40c, 3rd week, 7 days. **Gross:** $9,500. (Average, $2,800.)

"FURY OF THE JUNGLE" (Col.)
"HE COULDN'T TAKE IT" (Monogram)
LOS ANGELES—(3,000), 15c-25c, 7 days. **Gross:** $3,000. (Average, $3,700.)

"COLLEGE COACH" (Warners)
"WHITE WOMAN" (Para.)
ORPHEUM—(2,200), 25c-35c, 7 days. Ten acts vaudeville. **Gross:** $2,900. (Average, $4,250.)

"PRIVATE LIFE OF HENRY VIII" (U. A.)
UNITED ARTISTS—(2,100), 25c-40c, 3rd week, 7 days. **Gross:** $8,500.

"ABOVE THE CLOUDS" (Col.)
PANTAGES—(3,000), 25c-40c, 7 days. Stage show. **Gross:** $5,280.

"BERKELEY SQUARE" (Fox)
4 STAR THEATRE—(900), 50c-75c, 7 days. **Gross:** $4,650.

Miller Denies Story On Chicago Dual Ban

Pressure exercised by major Chicago circuits in ruling out double features through a reported clause in contracts said to have made it compulsory for distributors to return half of the rental on any picture playing the Loop if such picture subsequently played on a twin bill had nothing to do with the case, according to Jack Miller, president of the Chicago Exhibitors' Ass'n.

In a wire to Motion Picture Daily, he said Saturday:

"When all houses were still double featuring, 92 per cent of the independent theatres in this district petitioned the big circuits to stop double featuring in their houses because they were putting the smaller theatres out of business. This is quite contrary to your story."

The story Miller refers to was the fourth in a series of survey articles on conditions in the Middle West. It appeared in Motion Picture Daily on Dec. 7.

'Women', 'Only Yesterday' Hit High Spots in Seattle

Seattle, Dec. 17.—"Little Women" and "Only Yesterday" at Hamrick's Blue Mouse and Music Box, respectively, were the highlights of an otherwise disappointing week here. "Little Women" kept waiting lines in front of the theatre day and night, taking a gross of about $8,500 against a normal $4,000. The run continues. "Only Yesterday" registered about $6,000 at the Music Box, against a $4,000 average, also went into a second week.

"The Prizefighter and the Lady" was off, and the Fifth Avenue pulled the picture after six days. The title was blamed principally for the lack of business. "Hoopla" at the Paramount was good for close to a normal $6,000, but other houses were below par.

Total first run business was $37,750. Average is $38,500.

Estimated takings for the week ending Dec. 9:

"LITTLE WOMEN" (Radio)
BLUE MOUSE—(950), 25c-35c-50c, 7 days. **Gross:** $8,500. (Average, $4,000.)

"PRIZEFIGHTER AND THE LADY" (M-G-M)
FIFTH AVENUE—(2,450), 25c-40c-55c, 6 days. **Gross:** $5,000. (Average, 7 days, $7,000.)

"MASTER OF MEN" (Col.)
"OLIVER TWIST" (Monogram)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $4,250. (Average, $4,000.)

"ONLY YESTERDAY" (Univ.)
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $4,000.)

"OLSEN'S BIG MOMENT" (Fox)
"BIG EXECUTIVE" (Para.)
ORPHEUM—(2,500), 25c-35c-50c, 7 days. Vaudeville. **Gross:** $5,000. (Average, $7,000.)

"HOOPLA" (Fox)
PARAMOUNT—(3,050), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $6,000.)

"MAN'S CASTLE" (Col.)
ROXY—(2,275), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $6,000.)

"Sigma Chi," Waring, Lead In Cleveland

Cleveland, Dec. 17.—Heavy holiday shopping cut into the theatre business, slightly lowering the week's total gross. "Sweetheart of Sigma Chi" on the screen with Fred Waring and His Pennsylvanians on the stage at the RKO Palace, proved the big attraction, grossing $25,000, about $7,000 over average.

"Dancing Lady" at Loew's State was the best straight picture bet, grossing $13,000. "Female" made a fair showing at the Warner Hippodrome, the total gross was $2,400 under the previous week. The Chicago Fair's "Streets of Paris" drew some business away from theatres.

Total first run business was $53,200. Average is $42,500.

Estimated takings for the week ending Dec. 8:

"ONLY YESTERDAY" (Univ.)
ALLEN—(3,300), 20c-30c-40c, 2nd week, 7 days. **Gross:** $3,400. (Average, $3,000.)

"FEMALE" (F. N.)
HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $6,000. (Average, $5,000.)

"HAVANA WIDOWS" (F. N.)
WARNER'S LAKE—(800), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,500.)

"SWEETHEART OF SIGMA CHI" (Monogram)
RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: Fred Waring and His Pennsylvanians. **Gross:** $25,000. (Average, $18,000.)

"DANCING LADY" (M-G-M)
STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $13,000. (Average, $10,000.)

"WHITE WOMAN" (Para.)
"HOLD THE PRESS" (Col.)
STILLMAN—(1,900), 20c-30c-40c, 7 days **Gross:** $3,800. (Average, $4,000.)

Roach Starts Another

Hollywood, Dec. 17.—The Wakefield-Nelson two-reeler, which goes into work Monday at Roach Studios, has been titled "Mixed Nuts." Jack Barty, Thelma Hill, Don Barclay and Nora Cecil have been added to the cast. Jimmy Parrott will direct.

Radio Borrows Durante

Hollywood, Dec. 17.—Jimmy Durante has been borrowed from M-G-M for a spot in Radio's "Strictly Dynamite."

"Widows" and Show Hit in Philadelphia

Philadelphia, Dec. 17.—"Havana Widows" on the screen and George White's "Scandals" on the stage at the Earle scored a knockout last week with a gross of $17,000, over normal by $5,000. "The Private Life of Henry VIII" held up to $8,500 in its third week at the Aldine.

Business elsewhere was off, with "The Invisible Man" the only other attraction in town going over average. It took $8,000 at the Stanton.

"Duck Soup" took $11,000 at the Stanley, but this was weak.

Total first run business was $79,400. Average is $78,900.

Estimated takings for the week ending Dec. 8:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 3rd week, 6 days. **Gross:** $8,500. (Average, $7,000.)

"TILLIE AND GUS" (Para.)
ARCADIA—(600), 25c-40c-50c, 6 days, 2nd run. **Gross:** $1,900. (Average, $2,400.)

"THE WORLD CHANGES" (F. N.)
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $9,000. (Average, $12,000.)

"HAVANA WIDOWS" (F. N.)
EARLE—(2,000), 40c-55c-65c, 6 days Stage: George White's "Scandals." **Gross:** $17,000 (Average, $12,000.)

"BERKELEY SQUARE" (Fox)
FOX—(3,000), 35c-55c-75c, 6 days, 2nd run. Stage: Jack McClellan, Smith, Rogers and Edie, 12 Aristocrats. **Gross:** $15,000 (Average, $16,000.)

"MY WOMAN" (Col.)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,000. (Average, $3,500.)

"MY LIPS BETRAY" (Fox)
KEITH'S—(2,000), 25c-35c-40c, 6 days, 2nd run. Vaudeville on stage. **Gross:** $6,000. (Average, $7,000.)

"DUCK SOUP" (Para.)
STANLEY—(3,700), 40c-55c-65c, 6 days **Gross:** $11,000. (Average, $12,000.)

"INVISIBLE MAN" (Univ.)
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $8,000. (Average, $7,000.)

Bing Crosby Off Shorts

Hollywood, Dec. 17.—Bing Crosby will make no more shorts for Paramounts. The studio has shelved the four remaining two-reelers on the program and from now on will concentrate on Crosby features.

"Women" Gets Huge $30,000 In Pittsburgh

Pittsburgh, Dec. 17.—Last week was a regular bonanza here, the biggest the town has had since the boom days of three years ago. The downtown sector as a whole more than doubled its average takings.

"Little Women" at the Stanley in six days accounted for a sensational $30,000, the best takings here since "Frankenstein" almost two years ago. It has been held over, the second picture in this house's history to stay more than six days. The other was "Gold-Diggers of 1933."

At the Penn, "Dancing Lady" rolled up a nice $19,000, while "Paddy the Next Best Thing," held for a week and a half at the Fulton, got $9,600.

Total first-run grosses were $75,750. Average is $37,000.

Estimated takings for the week ending Dec. 9:

"HORSE PLAY" (Univ.)
DAVIS—(1,700), 25c-35c, 7 days. **Gross:** $3,300. (Average for six days, $2,500.)

"PADDY, THE NEXT BEST THING" (Fox)
FULTON—(1,750), 15c-35c, 9 days. **Gross:** $9,600. (Average for six days, $4,000.)

"DANCING LADY" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $19,000. (Average, $12,000.)

"MANHATTAN TOWER" (Chesterfield)
PITT—(1,600), 15c-40c, 6 days. Stage: Bob Hall, Ralph Olsen revue, Netti De-Coursey Co., Dorothy and King Bros., Lydell and Gallagher, Captain Pickard and Seal, Chain and Bronson. **Gross:** $5,250. (Average, $4,500.)

"LITTLE WOMEN" (Radio)
STANLEY—(3,600), 25c-50c, 7 days. **Gross:** $30,000. (Average for six days, $9,000.)

"TAKE A CHANCE" (Para.)
WARNER—(2,000), 25c-50c, 7 days. **Gross:** $7,600. (Average for six days, $5,000.)

"Little Women" Is Smash in Portland

(*Continued from page 8*)

Paris," had an intake of $8,000, or $3,000 over average. "Christopher Bean," at the United Artists, was also a holdover with an intake of $5,000 in its second week.

First run totals for the week were $40,200. Average is $25,800.

Estimated takings for the week ending Dec. 8:

"FOOTLIGHT PARADE" (Warners)
HAMRICK'S BLUE MOUSE—(669), 25c, 7 days. **Gross:** $3,000. (Average, $2,000.)

"DANCING LADY" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $6,000.)

"SITTING PRETTY" (Para.)
"THE MAD GAME" (Fox)
LIBERTY—(1,800), 25c-35c-40c, 7 days. **Gross:** $2,200. (Average, $1,800.)

"LITTLE WOMEN" (Radio)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $14,000. (Average, $3,000.)

"ONLY YESTERDAY" (Univ.)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $3,000. (Average, $2,000.)

"DUCK SOUP" (Para.)
"WORST WOMAN IN PARIS" (Fox)
PARAMOUNT—(3,008), 25c-35c-40c. **Gross:** $8,000. (Average, $5,000.)

"LATE CHRISTOPHER BEAN" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000.)

Dee-McCrea to Co-Star

Hollywood, Dec. 15.—In spite of rumors to the contrary, Frances Dee and Joel McCrea, newlyweds, will co-star in "Just Off 5th Avenue" for Radio.

Cohn and Schaefer Long on Optimism

By GEORGE J. SCHAEFER

(*Continued from page* 1)

reaction. The elimination of fear and hysteria cannot fail to react favorably on the box offices of the nation.

With the passing of uncertainty and unrest will come a greater feeling of security and a correspondingly greater demand for entertainment. If we, in the motion picture industry, meet this increased demand with high quality pictures, we will reap a golden harvest during the new year.

By JACK COHN

(*Continued from page* 1)

fluence to the business and with an increasing spread of employment a greater growth of picture business will inevitably follow. This, because the only retarding influence the industry has encountered has been lack of money, not lack of interest in pictures.

Two important factors must govern recovery in the motion picture industry—

First, the production of more truly great pictures.

And secondly, an awakening among exhibitors to the helpful power of aggressive and progressive advertising.

This is demonstrated by the fact that during the last two years the public has shown a tendency to shop for entertainment and to patronize in paying numbers only those pictures which have given adequate value for the admission price. There will be no change with the return of good times.

However, no matter how good the product made responsive to this demand, the exhibitor cannot extract its full box-office value without letting the public know through advertising that he is vending quality pictures. The combination of good product and adequate advertising will correct every situation confronting the industry. This calls for greater cooperation on the part of the producer after completion of his picture. In this connection I recently suggested that producers create a school of showmanship by having advertising, publicity and exploitation experts available to advise exhibitors concerning their problems whenever important conventions of theatre owners invite such cooperation.

This idea was the outgrowth of study and disclosures incidental to a nationwide survey of the effect of blue laws upon the industry. I believe that its future development rests with the smaller towns. In these the need of showmanship is greatest, owing to the fact that exhibitors have largely been drawn from other fields of activity and left to shift for themselves. It is here, too, that Sunday closing is most felt, restricting theatre operation to about 85 per cent of the available time. The 15 per cent clipped off by arbitrary Sunday closing, shuts down the theatres on the day most convenient and available for country trade and when patronage ordinarily is greatest.

Opportunity for increased employment through full time operation and the certainty that it will increase purchases of supplies of all kinds entering into the operation of a theatre may bring NRA support for greater liberality in this respect, in keeping with the trend of the times. Unnatural repressions, epitomized by prohibition, are being thrust aside, so we have reason to anticipate an improvement in this direction.

Reference to NRA suggests a final word on that score. It represents one of the ideas conceived by our President for the general good and as such should be given full support by our industry to afford every chance for its success.

In spite of pessimistic talk to the effect that wages have not kept pace with increasing commodity prices, experience as well as the advice of economists should assure us that in the great finality commodity prices always are determined by buyers' capacity. A President of demonstrated ability to accomplish results is on the job and even the most casual glance backward attests the fact that amazing and heartening improvement has been brought about, and further progress is being made daily.

Many people are prone to forget that a protracted period of illness requires a considerable period of convalescence. We are undergoing this now and it is inevitable that it will continue for some time, but I am inclined to look for a complete recovery before 1934 draws to a close. To hasten this we must all realize that fair wages are a more important factor than private profit. Any employee deliberately underpaid is restricted by that fact in his buying capacity. If we act in accordance with the sound Biblical instruction on that "the laborer is worthy of his hire" we are taking an important step to bring about a freer and greater circulation of money, and thereby aiding to bring about our own commercial salvation.

Some short-sighted individuals within the industry have overlooked the fact that the NRA has only a short time in which to operate, and have devoted more nervous energy combating its various features than would be necessary to assure it a fair trial. The best thing we can all do for the industry and for ourselves is to get behind the NRA and build it up.

This done, in my opinion, we shall have nothing to worry about for 1934.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 4)

is attracted to her as the new Raquel, she gets the lowdown on his real feelings toward her.

Miss Bennett in the dual role is alternately unattractive and then attractive, as called for by the script. She sings and dances. In scenes of sophistication and sly romantic illusion, she shows fire and dash. Tone gives an unusual farce comedy performance. Tullio Carminati, as the volatile producer, double-crossed by Tone for the amour of Raquel, takes full advantage of all the laugh values. Helen Westley, Andrew Tombes, Ivan Lebedeff and Hobart Cavanaugh are good in small parts. Georges Renevant, as the real Raquel's French husband, contributes a classic when, as he is locating his wandering frail, he delivers a sock on her jaw which is the last word. Russ Columbo and the Boswell Sisters appear in the musical show portion of the production. The music by Dubin and Warren and the dance ensembles by Russel Markert are enjoyable ear-and-eye values in keeping with the film's colorful scale. Sidney Lanfield's direction blends farce and music harmoniously.

With its French implications of title, dialogue and action, and the names of Constance Bennett and Franchot Tone, "Moulin Rouge" should enjoy a box-office vogue in keeping with the drawing power of the personalities and the current acceptability of musicals.

"Beloved"

(*Universal*)

HOLLYWOOD, Dec. 17.—"Beloved," produced by B. F. Zeidman for Universal, is a musical romance dominated by a love story projected through three generations, interpolated with flashes of Civil, Spanish-American and World wars, yet never deviating from the devotion and affection of two people who suffer adversities to accomplish an ideal—their love for music and determination to complete the great American symphony.

The picture opens in Vienna in 1838 where the composer-to-be is introduced from his cradle. The father is a lover of music and inspires his son at the age of 10 to write and conduct his first composition. Later a revolution strips the family of its wealth. Mother and son find their way to America, locating in the South, where John Boles, now matured, struggles with his mother as teachers of music, and a romance between him and Gloria Stuart begins. Civil War sets in and at its conclusion Boles and Miss Stuart are married. The mother dies and the couple move to New York, where a son is born. This son, in turn, is killed in the Spanish-American War, leaving another son who inherits the love for music from his grandfather, who is still struggling to complete a symphony. This son is called into the World War and later becomes a writer of popular music. Not knowing he is stealing his grandfather's compositions, the grandson becomes the lion of Tin Pan Alley. Accused of plagiarism by the doty old composer, the grandson arranges for a public hearing of the old man's symphony where it is acclaimed a great masterpiece, but too late, as the composer passes away during its rendition.

Victor Schertzinger has directed effectively and has composed some fine music. John Boles and Gloria Stuart carry the center of attention throughout. Supporting players are: Ruth Hall, Morgan Farley, Richard Carle, Lucille Gleason, Mae Busch, Albert Conti, Dorothy Peterson, Anderson Lawler, Edmund Breese, Louisa Carter, Lester Lee, Mickey Rooney, Holmes Herbert, Lucille LaVerne, Mary Gordon, Eddie Woods, Oscar Apfel, Jane Mercer, Clark Wallis, Joseph Swickard, James Flavin, Bessie Barriscale, James Butler and Fred Kelsey.

Higher Costs Take Bigger Budgets

(*Continued from page* 1)

exhibitors at the start of the new season that production budgets would be increased from 15 to 30 per cent, but with independent product thus far showing little change in quality over last year, many of the producers are anxious to have their explanation made known.

"Our budget was increased 20 per cent per picture in June," one independent related. "Before the first picture on the new schedule was finished we had subscribed to the President's re-employment agreement and found that since then increased labor costs just about consumed the increased appropriation. What we had planned to use for better picture quality went instead to feed the Blue Eagle. If labor doesn't go to the movies now that the code has made the increased costs permanent, it looks like better pictures from the small producer will have to wait for the return of prosperity."

W. V. King New U. A. Theatres Director

(*Continued from page* 1)

America General Corp., Aztec Land and Cattle Co., Manati Sugar Co., Second Ave. Railway Co. and the New York Life.

Officers were re-elected for another year. Joseph M. Schenck is chairman of the board and president, and Lee Shubert, Dennis F. O'Brien and Harry D. Buckley, vice-presidents, while the latter is also general manager.

Randel Sees "Tough" Year on Film Board

(*Continued from page* 1)

of the New York Film Board of Trade, states.

Randel views the work of the local clearance and zoning board, which is to be named shortly, as one of the most difficult and says it will require a lot of time and energy of the officers on the local board. He takes office Jan. I.

Mary Pickford Set For Week at Para.

(*Continued from page* 1)

Christmas Week with an act culled from the stage play, "The Church Mouse." A flat salary and a split are the terms.

Miss Pickford is also understood to be negotiating with the Ford Company for a national broadcast.

Seidelman to Mexico

J. H. Seidelman, foreign head of Columbia, is enroute to Brownsville, Texas, where he will take a plane to Mexico. Seidelman will look over a number of Spanish pictures for possible release in Latin American countries. He's due back around Christmas.

Quimby Due Tomorrow

Fred Quimby, short subject sales manager for M-G-M, returns from the coast tomorrow. He has been in Hollywood conferring with Hal Roach.

The Annual 1934 Booking Calendar

of Quigley Publications

WITH 200 HANDY SPECIAL
BOX OFFICE TIEUP DATES
FOR LIVE WIRE SHOWMEN

Is Now Ready For You

THERE SHOULD BE
ONE IN EVERY
MANAGER'S OFFICE
PRICE . . . 25¢ EACH

USE THIS BLANK

MOTION PICTURE
DAILY
1790 Broadway, N. Y.

Kindly send me one Booking Calendar for 1934. I enclose herewith twenty-five cents to cover cost of calendar and postage.

Name .....

Theatre .....

Address .....

City ..... State .....

GARY COOPER
MIRIAM HOPKINS
EDWARD EVERETT HORTON
FREDRIC MARCH
ERNST LUBITSCH
NOEL COWARD
BEN HECHT
7 reasons why
PARAMOUNT'S
" DESIGN FOR LIVING "
is an outstanding hit
Paramount Pictures

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 143 NEW YORK, TUESDAY, DECEMBER 19, 1933 TEN CENTS

Attorneys Hit Cost of Para. Receivership

Referee Rules for More Affidavits to Dec. 28

An assortment of attorneys for Paramount Publix creditors filed objections yesterday to the petition of Charles D. Hilles and Adolph Zukor for authorization to pay $296,053 for expenses incurred during the period of the Paramount Publix equity receivership from Jan. 27 to March 14.

Attorneys for several of the largest Paramount creditors' groups failed to record either their approval or opposition to the petition, but were given until Friday to do so. Their lack of action yesterday, however, left Elihu Root, Jr., of Root, Clark, Buckner & Ballantyne, counsel for the equity receivers, as the only defender of the receivership costs.

The hearing on the petition was conducted before Referee Henry K.

(*Continued on page 6*)

Federation to Talk Over Reorganization

A general meeting of the Federation of the M. P. Industry will be held Dec. 27 at 8 P. M. at the Park Central Hotel to discuss plans for reorganization along permanent lines. A membership drive and permanent financing for the independent producers' and distributors' organizations are among subjects to be proposed.

General discussion of the industry code is also scheduled.

New Warner Deals on To Solidify Circuit

Indicating further solidification of the circuit, Warners are understood to have a number of theatre deals on in the middle west which would give the circuit a stronger position in a number of towns. Some of the deals involve an exchange of houses in certain spots with another circuit operator.

Goldstone Successor To Be Named Shortly

Successor to Phil Goldstone as head of Majestic Pictures on the coast will be announced in a few days, Herman Gluckman, president, stated on his return from Hollywood yesterday. William D. Shapiro, vice-president, accompanied Gluckman on his return east.

Lowell May Resign His Post On Code Authority, Is Report

Dr. A. Lawrence Lowell, president-emeritus of Harvard University, is reported preparing to withdraw as one of three members on Code Authority representing the government, if he has not done so already.

A telegram addressed to Dr. Lowell at his home in Boston yesterday remained unanswered last night. The understanding is his objections to the Presidential appointment revolve around the designated job for him of watching the moral trend in production and that Dr. Lowell fails to relish the idea and the work associating him with censorship activities.

Court Allows Loew's Stock Sale to Go on

Sale at public auction of 660,900 shares of Loew's common stock will be permitted today, as scheduled, providing the holders of $20,000,000 of defaulted notes of Film Securities Corp., for which the stock is pledged as collateral, insist on the sale and all purchasers have knowledge of both the injunction issued here last week restraining purchasers from violating anti-trust laws in acquiring the stock and of the 1931 anti-trust decree which separated control of Loew's from Fox Film by setting up Film

(*Continued on page 6*)

Plans Up for Shifting of Authorities

WASHINGTON, Dec. 18.—Plans to protect the interests of labor and consumers by making changes in the representation of the Government on Code Authorities have been worked out by General Hugh S. Johnson and are now before President Roosevelt.

Briefly, the plan contemplates one instead of three Administration representatives; the one representative, however, would have an adviser from the labor and consumer ranks.

Announcement by Johnson yesterday of his plan has given rise to the

(*Continued on page 8*)

Backs Need for Good Films; 1934 Viewed with Optimism

By S. R. KENT
President, Fox Film

With somewhat improved conditions in many parts of the country and also distinct evidence of world trade revival, there is a prospect that next year the picture business will enjoy a condition of prosperity that it has not experienced in many years. Inasmuch as every company in the

(*Continued on page 6*)

By FELIX F. FEIST
Gen'l Sales M'g'r, M-G-M

Times are getting better. There are many obvious reasons for optimism. A good show still fills the till. Admission scales are beginning to show the weight of increasing attendance. The industry—the entire world—is looking up. Nineteen

(*Continued on page 6*)

Rotating Head Is Sought for CodeAuthority

Leaders for It Versus Permanent Chairman

When Code Authority meets in New York tomorrow afternoon for the first time under the industry code, it is understood members of the Authority who are identified with major company interests will move for a plan providing for a rotating chairmanship, changeable with each meeting.

Independent members of the Authority, on the other hand,, are understood to be behind the move for election of Deputy Administrator Sol A. Rosenblatt as permanent chairman on the theory such an appointment, said to carry with it veto power, would serve to more adequately safeguard their interests.

Hays directors held an all-day session yesterday at which chairmanship of the Authority is understood to have been discussed.

The meeting is expected to last

(*Continued on page 8*)

Poster Men's Code Hearing Set Jan. 3

WASHINGTON, Dec. 18.—Theatrical poster exchange men will be given a hearing on their code by Division Administrator A. D. Whiteside on Jan. 3 at the Department of Commerce Building.

The code provides for a maximum week of 40 hours and an eight-hour day, with minimum wages of $14.50 to $15 per week for general employes and 40 cents an hour for mechanical workers.

No Date Decided on Independent Ad Meet

No definite date has been set for the conference between J. J. McCarthy of the Hays office and advertising men of independent companies. A meeting will be held this week, nevertheless. John C. Flinn, president of the Ampa, met with the independent men last week.

Joe Breen Gets 780 Changes in Scripts

HOLLYWOOD, Dec. 18.—Having the censorship of publicity stills and advertising well under control with cooperation from all major producers, Joe Breen, now sitting in for Dr. James Wingate in the censoring of

(*Continued on page 6*)

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(Registered U. S. Patent Office)

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Astor Plans 12 More Three-Reel Westerns

Following completion of the Bud and Ben series of 12 three-reel westerns, Astor Pictures will make 12 Tim and Tom outdoor shorts of the same length. The second Bud and Ben subject, "Arizona Nights," has just been completed and the third, "Ridin' Gents," starts tomorrow.

Astor Pictures has opened its own exchange in Chicago with O. K. Bourgeois in charge. Sol Solomon has been added to the New York sales force.

The company has just closed with B. & K. and Essanay circuits in Chicago for "Killers of the Chaparral."

Abe Kompel Dead

Abe Kompel, well known in local exhibition, died yesterday afternoon at the Columbus Hospital from a complication of ailments. He was 49 and is survived by his widow and son.

Funeral services will be held this morning from the Garlick Funeral Chapel, Grand and Essex sts.

Goett Loses Wife

George Goett, in charge of real estate and roadshows for Feiber & Shea, is mourning the loss of his wife who passed away over the week end.

White Back from Trip

Gordon S. White, director of advertising and publicity for Educational, returned yesterday from a visit to company exchanges in eastern Canada.

Purely Personal

SHERWIN A. KANE, one of MOTION PICTURE DAILY's newshawks, became a father for the first time late Sunday night, was around when the boy was born at St. Anne's, went home, had a glass of beer and dropped off to sleep. Yesterday, he had two Paramount Publix court hearings to cover, the latest developments in the Loew stock sale and his usual beat around town. He went through all of them as per schedule. That's one of the year's brightest displays in composure.

HOWARD SMITH, Coast story head for 20th Century, will try to get off to Hollywood today. He plans to spend Christmas with his family. His getaway hinges on the closing of one more story deal here.

GEORGE J. SCHAEFER plans to leave for Washington the end of the week.

RICHARD WALLACE, the director, and MRS. WALLACE, in from Hollywood by air to catch up on new shows.

CHARLES R. ROGERS is en route to the Coast after two weeks here looking over plays and scouting for new talent.

JOE BRANDT is home with an attack of arthritis and the grip and admits it's a very pediculous combination.

MIRIAM HOPKINS returns to the stage tonight in the lead of "Jezebel" at the Ethel Barrymore Theatre.

LOUIS WEISS was in Boston last night for a New England preview of "Enlighten Thy Daughter."

RANDOLPH SCOTT plans to leave for Hollywood the end of the week.

Expect Film Bigwigs At Ampa Xmas Party

The Ampa Christmas party, scheduled for the grand ballroom of the Astor on Thursday, is expected to be attended by many well-known film executives. Invitations have been issued to the following:

Adolph Zukor, Harry Warner, Carl Laemmle, Joseph M. Schenck, M. H. Aylesworth, E. W. Hammons, Geo. J. Schaefer, Al Lichtman, Sidney R. Kent, Jack Cohn, John D. Clark, Jas. R. Grainger, Albert Warner, Ned Depinet, Nicholas Schenck, Ed Knykendall, J. E. Brulatour, J. E. Otterson, Martin Quigley, Jack Alicoate, David Sarnoff, Sidney Silverman, P. S. Harrison, J. J. McCarthy, Leslie Thompson, Maurice MacKenzie, Lee Ochs, Louis Nizer, A. S. Friend, Sam Dembow, Sam Katz, Herman Robbins, S. L. Rothafel, Jay Emanuel, Major Edward Bowes, Herbert Yates, Harold B. Franklin, Will H. Hays, Sol Rosenblatt, Paul Hollister, Nellie Revell, Arthur Whyte, Chas. O'Reilly, Julius Tannen, Robt. H. Cochrane, W. Ray Johnston, Nathan Yamins, Nathan Burkan, Robt. Gillham, Neil Agnew, Ralph A. Kohn, Colvin Brown, Al Cormier, Walter Moore, F. Mordannt Hall, Frank R. Wilson, Tony Canzoneri, Frank C. Walker, C. B. DeMille, Milton H. Feld, Boris Morros, Neil McCarthy, Harry Hershfield and Red Kann.

Got Line on Product

Robert F. Sisk, director of publicity and advertising for RKO, returned from a quick trip to the coast yesterday. The purpose was to see new product.

RCA Photophone Holding Sales Meet

RCA Victor Photophone sales representatives start a two-day national convention at the Camden headquarters of the plant today. E. O. Heyl, manager of the Photophone Division, is scheduled to open the sessions with an address.

Brady for Tax Hearing

WASHINGTON, Dec. 18.—William A. Brady, representing the National Legitimate Theatre Committee, will appear before the House Ways and Means Committee Dec. 21 to discuss admission taxes.

Brady is the only witness so far listed on this subject, but in view of the inclusion of his name on the calendar issued by the committee today it is probable other amusement interests will seek to be heard at the same time. Allied States, among others, has indicated its intention of seeking an increase in the present 40-cent exemption.

G. P. Sully in Town

G. P. Sully, in charge of United Artists' studio publicity, arrived yesterday to put over an exploitation campaign on "Moulin Rouge."

Stock Market Slips

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24¼	24¾	24¾	—1⅝	100
Consolidated Film Industries	3	2¼	2¼	— ¼	1,100
Consolidated Film Industries, pfd	10	9¾	9¾	.....	200
Eastman Kodak	79	78	79	.....	600
Fox Film "A"	14	13⅞	14	.....	200
Loew's, Inc.	31	29⅛	29⅞	—1⅛	3,600
Loew's, Inc., pfd	74½	74½	74½	+2	100
Paramount Publix	2⅛	1⅞	2⅛	+ ⅛	9,700
Pathe Exchange	1⅝	1⅝	1⅝	.....	400
Pathe Exchange "A"	11¼	10¾	10¾	— ¼	2,000
RKO	2⅜	2⅛	2⅜	.....	1,500
Warner Bros.	5¾	5½	5⅝	— ⅛	2,900

Curb Quotations Lower

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	⅛	⅛	⅛	— 1/16	100
Technicolor	9	8¾	9	.....	200
Trans Lux	1⅞	1¾	1⅞	— ⅛	300

Bonds Take a Loss

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3	3	3	.....	6
Keith B. F. 6s '46	50	49⅞	50	.....	11
Paramount Broadway 5½s '51	31¼	31	31¼	+ ¼	6
Paramount F. L. 6s '47	28⅜	27½	28	— ¼	40
Paramount Publix 5½s '50	29	28½	28⅞	— ⅛	18
Pathe 7s '37, ww	81¾	81¾	81¾	.....	2
Warner Bros. 6s '39, wd	39¾	39	39	— ¼	19

Detroit Goes Into General Price Slashes

DETROIT, Dec. 18.—This city is in the midst of a price war that has possibilities of becoming serious. It was precipitated recently when Lew Kane of the Mayfair, Ben and Lou Cohen, operating the Roxy, and Jake Schreiber, who has the Colonial and other Woodward avenue houses, started cutting admissions.

On Friday three of the first run houses, the Downtown, State and United Artists, went to double bills. The Adams, playing second runs, immediately put in three features for 15 cents.

The Fox-RKO interests notified H. M. Richey of Allied that unless he whipped his members into line on the price situation double bills, plus a stage show, would be put in at the RKO Uptown, second run house, and that the Fox would go to 25 cents with first run pictures and stage show.

The subsequent runs over the week-end, were still cutting prices, not only in the downtown section but in outlying houses as well, and it appears that the fight will continue for some time, as all concerned insist that they can out-distance the other fellow.

The Mayfair this week filed dissolution papers in Circuit Court and Charles Komer, who has the Redford and several other houses, was appointed to operate it until a hearing on the petition on Jan. 15.

Round Table Men to Hold "Get-Together"

A Christmas "get-together" of members and friends of the Managers' Round Table Club of *Motion Picture Herald* is to be held Thursday night in the Continental Garden of the Brass Rail Restaurant, 49th St. and 7th Ave. with A-Mike Vogel, chairman, presiding.

Many features are planned, according to Vogel, who states that entertainment will be provided by various stage, screen and radio stars. Through the courtesy of Manager Lew Preston, the orchestra of the Academy of Music will put on a musical program, and headline acts appearing at that theatre will also be on hand.

Vogel states the Garden will seat 500 comfortably, and that many managers are making reservations for their assistants, head ushers and other of the house staffs. The party is to start at midnight. Eddie Cantor yesterday promised to attend.

"U" to Make Series Of Films in Paris

PARIS, Dec. 18.—Universal plans a series of features here to be made in French. Max Friedman will be in charge.

LONDON, Dec. 18.—Universal expects to start British production under its deal with Julius Hagen on Jan. 1. The first will be "The Man Who Changed His Name."

THE SAME TO YOU—*Metro-Goldwyn-Mayer*

Perfection in Screen Entertai

BY CAND

Produced by Carl Laemmle, Jr., from the stage success by Siegfried Geyer. Presented by Carl Laemmle.
Directed by
JAMES WHALE

—a new
ESTHER
RALSTON

—a new
NILS
ASTHER

—a new
DOROTHY
REVIER

OPENING AT THE RO

ent!

LELIGHT

—a new
PAUL
LUKAS

—a new
ELISSA
LANDI

Y, NEW YORK, SOON

Attorneys Hit Cost of Para. Receivership

(Continued from page 1)

Davis who, after listening to the spirited objections of the creditors' attorneys, ruled that further affidavits might be filed up to Friday and gave the equity receivers until Dec. 28 in which to answer them. The referee will make his report to the U. S. District Court here on the receivers' petition shortly after the first of the year, he said.

Heading the opposition to payment of the receivership costs was Saul E. Rogers, bondholders' attorney, who based his objections on the grounds that the equity receivership "had not been necessary at all" and that the receivers' petition gave "too meagre" an account of how the costs of the receivership were incurred.

Also opposing payment of the $296,053 were Victor House and Samuel Zirn, also attorneys for Paramount Publix bondholders' groups; Samuel Kramer, counsel for a group of general creditors; S. W. Landon, and counsel for a group of creditor banks. The latter, however, while making no definite objections to the petition, urged the referee to give it "very careful consideration because of the magnitude of the estate involved."

Predicts $5,000,000 Fees

Rogers asserted that on the basis of the equity receivership costs, "fees of $5,000,000 might be expected for the period of the bankruptcy." House and Zirn asked for an oral hearing on the petition with an opportunity to examine the receivers and their counsel on the costs. Referee Davis overruled the petition and held that only written affidavists might be submitted. Zirn thereupon filed his affidavits, which included one charging that the equity receivership was "illegal."

Kramer asked for more detailed information on the items for which payment is sought, stating that there was not enough information in the petition to permit him to decide whether to object to or approve the charges. He pointed out that the Paramount Publix estate would have to "pay the costs of the Publix Enterprises bankruptcy proceedings, too, either directly or indirectly," and urged the referee to consider the receivers' fees in the light of salaries paid Paramount executives immediately prior to the receivership.

House pointed out that payment of the fees for the equity receivership might be illegal in view of a still pending action to have Paramount declared an involuntary rather than a voluntary bankrupt, in which case, he said, the equity receivers would have no right to file any claims.

Root, in defending the petition, said that while he was admittedly "biased" in its favor, he believed the complexity of the Paramount situation merited the expenses. His law firm is listed in the petition for fees of $125,000, and is also counsel for the Paramount Publix trustees in bankruptcy.

In reply to a question as to why Adolph Zukor should be listed in the petition for only $23,000, while Charles D. Hilles, the co-receiver, was listed for $30,000, Root replied that Zukor "didn't want to ask for more than the amount his reduced salary gave him, just prior to the receivership." Hilles, Root said, was worth more because he came into Paramount "without previous experience in the motion picture industry and, therefore, had to expend more effort than Zukor in grasping the situation." Hilles's responsibility and sacrifices of his own business also contributed to the amount of the fee asked for his services, Root said.

"In other words," Rogers remarked, "you feel the man should be paid $2,400 per week for getting an education in the film business."

Film Men Plan Benefits To Aid Duarte Sanitarium

Prominent film men who are interested in the Los Angeles Tubercular Sanitarium at Duarte, Cal., near Los Angeles, are making plans to wipe out a $140,000 deficit by March 1 through a series of dinners in New York, Chicago and Los Angeles early in the new year and a benefit theatre party at the New Amsterdam Theatre, New York, on Jan. 28.

The sanitarium is non-sectarian and now numbers approximately 130 of its patients from New York. Treatment is entirely without charge and the status of patients makes no difference, the work reaching as far down the ladder as a messenger boy at Warners who spent 10 months at Duarte and was returned to New York in complete health.

The benefit planned for the New Amsterdam will be one of the biggest shows of them all. Steve Trilling of the Warner Artists Bureau is handling talent while Harry Charnas is in charge of the entire procedure. Sponsors include Will Hays, H. M. Warner, Adolph Zukor, Max Steuer, Mayor-elect La Guardia, George Jessel, Eddie Cantor, Jack Pearl and Daniel Frohman.

Direct sponsorship is the Milk and Egg League of New York, of which Mrs. Charnas is chairman. This is the New York end of the sanitarium's activities.

The Reason Why

Hollywood, Dec. 18.—The national experience of Ed Selzer, former assistant to S. Charles Einfeld in the New York publicity department, is directly responsible for his selection as head of the same department at the studio. Jack L. Warner is understood to have had a direct hand in making the selection.

In the meantime, Selzer is getting fully acquainted with his new job and looks forward to Jan. 1 or thereabouts when his wife and daughter join him from New York.

Realty Associates Ordered to Pay Tax

Federal Judge Marcus B. Campbell in Brooklyn yesterday ruled Realty Associates Security Corp., a bankrupt, and its affiliated companies must deposit with the clerk of the court sufficient funds to cover a $849,000 consolidated tax lien filed against the concern last week by the Federal government.

A meeting of the bondholders scheduled for yesterday when the 15 per cent cash distribution was to be confirmed by the court was postponed until Thursday. The courtroom was crowded with bondholders when the judge made his ruling. The company had hoped to pay off the bondholders before Christmas. In addition to the 15 per cent cash payment, bondholders would have received 85 per cent of their money in bonds which were to mature in 1943.

Before Thursday, government representatives and attorneys for the companies will meet to allocate the amount of tax. The court's ruling means that Realty Associates must pay its share off the government lien before it can be discharged as a bankrupt and before a statement can be approved by the court. Realty Associates filed a bankruptcy petition July 10 at which time it had $12,500,000 in outstanding bonds and assets of $16,335,000.

Realty Associates has a large creditors' claim against Paramount Publix, bankrupt, based on contracts and theatre leases it held for building theatres operated by Publix in New York and other sections of the country.

See Need for Good Films and Optimism

By S. R. KENT

(Continued from page 1)

business is stripped down to the most economical organization, the industry will very quickly reflect any signs of returning good times.

However, this will not be accomplished unless we give the public much better pictures than they have been receiving. Over and over again, it has been stated that the solution of all of the industry's ills lies in good pictures, and no discussion of this business's prospects can get away from that inescapable fact.

By FELIX F. FEIST

(Continued from page 1)

thirty-four should yield satisfactory dividends for work intelligently done.

Seidelman to Go Abroad

J. H. Seidelman, foreign sales manager for Columbia and now in Mexico looking over several Spanish pictures for possible distribution in Latin America, plans to make a tour of Europe late in January.

Roach Becomes Jeweler

Los Angeles, Dec. 18.—Hal Roach has gone into the jewelry business with L. H. Driver, under the firm name of Roach, Driver, Inc., and has opened a store on Fifth St.

New Suffolk to Open

A. H. Schwartz will open the New Suffolk Theatre at Riverhead, L. I., Dec. 30.

Court Allows Loew's Stock Sale to Go on

(Continued from page 1)

Securities Corp. to take over the Fox interest in Loew's.

A ruling to this effect was made yesterday by Federal Judge John Knox in U. S. District Court in acting on a petition of John R. Hazel and Thomas Nelson Perkins, trustees of Film Securities Corp., to be relieved of further duties connected with Film Securities Corp. and that its affairs be wound up. Judge Knox approved the trustees' petition with the proviso that Hazel and Perkins see that the sale does not conflict with anti-trust laws and that buyers of the stock take it with full knowledge of the injunction issued last Friday and of the government's 1931 anti-trust decree in connection with acquisition of a controlling interest in Loew's by Fox.

Judge Knox issued the injunction last week on the petition of John H. Amen, special assistant to the attorney general, after Saul E. Rogers, attorney for Harley L. Clarke, had pointed out to the court several days before that an absence of prospective purchasers for the stock threatened to give the Chase National Bank, holder of the bulk of the defaulted Film Securities notes, possession of the stock. Rogers pointed out that with Chase now in control of Fox Films, Loew's would come under the same control if the block of stock were permitted to revert to the bank by default, thereby creating the same situation which, in 1931, led to the government's anti-trust action against Fox.

The injunction issued last week seeks to prevent this situation from developing by virtually disqualifying prospective purchasers identified with interests controlling either Fox or any other film or theatre company.

So far as could be learned yesterday there were no known bidders for the entire block of Loew's stock.

Joe Breen Gets 780 Changes in Scripts

(Continued from page 1)

proposed scripts, is trying to make the cleanup 100 per cent.

With less than a week on the job Breen has caused approximately 780 changes in scripts in preparation and in scenes already made for pictures now in production. In each instance the producers have made changes willingly.

Show "Hollywood" Today

M-G-M will trade show "Going Hollywood" at 2 o'clock this afternoon at the Astor for local exhibitors.

Motion Picture Daily previewed the picture by wire from Hollywood on Dec. 12.

Kusell Off Tomorrow

Milt Kusell, eastern captain in the Paramount Victory Drive, leaves for Philadelphia and Washington tomorrow. Neil Agnew, sales manager, is on his way back from a western tour of exchanges.

Come and Make Merry With Santa Claus

Associated Motion Picture Advertisers, Inc., (A. M. P. A.) cordially invites the men and women of our industry to join with them in a joyous Christmas Luncheon Party to be held on Thursday, Dec. 21st, at 12:45 P. M. in the Grand Ball Room of the Hotel Astor.

Subscription, Including Luncheon and Remarkable Entertainment

One Dollar [$1.00]

Seating accommodations limited to 1,000.

Attendance limited to persons in the motion picture industry and affiliated arts

AN OCCASION for THANKSGIVING and GOOD-FELLOWSHIP

Tickets obtainable *in advance* from the following:

Columbia Pictures—Lou Goldberg
Educational Films—Gordon White
Film Daily—Marvin Kirsch
Fox Films—Gabe York
Majestic Pictures—Bert Ennis
Metro-Goldwyn-Mayer—Howard Dietz
Monogram Pictures—Ed. Finney
National Screen Service—W. B. Brenner
Paramount Pictures—J. P. McLoughlin
Quigley Publications—Ray Gallagher
R.K.O.—Robert Sisk
The Billboard—Leslie G. Anderson
United Artists—Monroe Greenthal
Universal—Paul Gulick
Variety—Lou Rydell
Warner Bros.-First National—Mort Blumenstock

Watch For Announcements Of Our Surprise Guests!

Rotating Head Is Sought for CodeAuthority

(*Continued from page* 1)

two days. The first session probably will open and close with appointment of a chairman and adjournment called until Thursday morning, when subcommittees are expected to be named. A well-known film man is understood to have been suggested for the post of secretary, while, among other matters for Code Authority deliberations, are included selection of permanent headquarters and a method of assessing the industry on the cost of code operation and enforcement.

Rosenblatt arrived from Washington early this morning for preliminary conferences.

Rosenblatt Comes Here for Meeting

WASHINGTON, Dec. 18.—Deputy Administrator Sol A. Rosenblatt left tonight for New York to attend the first meeting of the Code Authority on Wednesday. He is expected to return to Washington Thursday.

Rosenblatt was advised today by Marie Dressler that she would not be able to attend the New York meeting. She indicated, however, that she would attend subsequent meetings.

Neither Miss Dressler nor Eddie Cantor, who were appointed by the President as labor representatives on the Code Authority, can have alternates, and when they are unable to attend meetings at which labor matters are to come up the Code Authority will proceed without them.

Government representatives on Code Authorities have also been refused the privilege of having alternates. An effort to secure such permission for members of the theatre Code Authority was rejected on the ground that while industrial members can readily secure substitutes who are familiar with their problems this would not be possible for the Government members.

Code Adoption Sends Costs Up 12 Million

HOLLYWOOD, Dec. 18. — Formal adoption of the code by 14 major studios today will increase production costs by an estimated $12,555,000. Based on a $135,000,000 budget for the current year, this increase represents a 15-per-cent hike in wages, rise in cost of supplies, additional outlay for advertising, taxes, story material and other items.

To Protest Code

HOLLYWOOD, Dec. 18.—Not entirely satisfied with the code, the Independent M. P. Producers' Ass'n. plans a protest meeting this week. B. P. Schulberg holds the industry cannot continue to function under the NRA unless the whole Recovery program succeeds.

Off for Father's Burial

HOLLYWOOD, Dec. 18.—Merian Cooper is on his way to Jacksonville, Fla., to attend the funeral of his father who is dead there of heart failure.

"Little Women" Holds Up Despite Seasonal Slump

Reports from the country's key centers indicate a pre-Christmas falling off everywhere, with "Little Women" the only attraction making a uniformly strong showing both in its first weeks and holdovers. In Chicago last week its $28,000 gross was the only above-average figure on the Loop, this despite the fact that it was in its second week at the Palace.

In San Francisco, St. Paul, Seattle, Buffalo, Detroit, Pittsburgh and Portland it was similarly strong. In Portland the $10,000 gross of the picture at Hamrick's Music Box was more than triple the normal take in the second week, and it was the only first run in town to top average, except a dual bill consisting of "Hoopla" and "Take a Chance" at the Paramount.

In Providence, for some unknown reason, the picture fell away below normal with a $5,500 gross at the RKO Albee. Business was also off in other first runs in the Rhode Island capital, with the exception of a dual bill, "Hoopla" and "Public Stenographer," at the Majestic and another dual, "Love, Honor and Oh, Baby" and "The Man They Couldn't Arrest," at the RKO Victory.

"Dancing Lady" took $37,293 in its second week at the Capitol here. "House on 56th St." was good for $13,140 in its second week at the Hollywood, and "Son of a Sailor," also a holdover for six days, with "The Sin of Nora Moran" on the seventh day, garnered $11,040. "Charming Deceiver" grossed $17,100 at the Roxy.

Holiday shopping and zero weather put a crimp in Cleveland business. "Sitting Pretty," with a $11,500 take at Loew's State, was the only above-par attraction in the city. "A Man's Castle" and "Hoopla" were the two other features to show some strength.

Philadelphia went into the holiday doldrums last week with "After Tonight" the only attraction standing up. It took $13,000 at the Earle. "As Husbands Go," with Mary McCormick on the Fox stage, took $15,500.

"Dancing Lady" ran away with top honors in Minneapolis and St. Paul, getting $14,000 for day and date showings at the Minnesota and Paramount. "Havana Widows," aided by Earl Carroll's "Vanities," took $6,500 at the Minneapolis Orpheum, and "Little Women" held up to $5,500 in the St. Paul Orpheum. "Berkeley Square" took $6,500 at the Minneapolis State.

Grosses dipped in San Francisco with only two houses getting normal takes. "Little Women" grabbed $13,800 at the Golden Gate, the best business in town. The Fox, with a dual bill consisting of "Bitter Sweet" and "16 Fathoms Deep," and 10 vaudeville acts, garnered $11,700. "The World Changes" was weak with $11,000 at the Paramount.

Seattle put "Little Women" into the lead for a second week with a gross of $6,000, over par by $2,000, at the Blue Mouse. "Only Yesterday" and "Jimmy and Sally" were the only other features in town to do normal business.

In a week marked by general dullness at Buffalo "The Invisible Man" came through with $8,000 at the Lafayette. This is about $1,500 over the normal take for the house. "Little Women" held up to $7,600 at the Great Lakes in its second week. Helped by a stage show, "Her Sweetheart" took $15,000, normal, at the Buffalo.

Universal had a fine week in Denver, with "The Invisible Man" going $1,000 over normal for a gross of $4,500 at the Aladdin and "Only Yesterday" getting $11,000 at the Orpheum. These were the only two strong attractions in town.

"A Man's Castle" was the only attraction in Detroit last week to successfully battle the pre-Christmas slump. It reached $16,300 at the Fox, helped by a stage show. "Little Women" took $9,300 in its third week at the Downtown. This is only $700 below an average first week take. "Tillie and Gus," "Sitting Pretty," "Havana Widows" and "Disraeli" were all weak.

"Little Women" demonstrated its drawing power in Pittsburgh by pulling $11,000 in its second week at the Stanley. This was outstanding because "My Lips Betray" and "If I Were Free" were the only two other attractions in town to do average business. "Meet the Baron" was a disappointment with $7,200 at the Penn.

"Only Yesterday" was the only feature to make a showing in Oklahoma City. It took $5,000, normal, at the Midwest. "Hoopla," "The Prizefighter and the Lady," "Wild Boys of the Road" and "Horse Play" were all weak.

Plans Up for Shifting of Authorities

(*Continued from page* 1)

impression that the third representative on the Code Authority may not be immediately named. If the President approves the scheme and orders it put into effect, it is pointed out, it would necessitate a revamping of the Government representation on the authority now consisting of Dr. A. Lawrence Lowell and Deputy Administrator Sol A. Rosenblatt.

Inasmuch as Lowell was appointed by the President personally, it is presumed he would continue as the Government representative, although there have been rumors that he will resign shortly on the ground that the work will demand more time and effort than he can afford to devote to it.

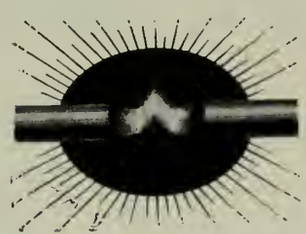
Cleveland to Talk Code

CLEVELAND, Dec. 18.—All independent theatre owners have been invited by the Cleveland M. P. Exhibitors Ass'n to join their meeting on Thursday when President Ernest Schwartz will present an explanation of the code. Prior to the general meeting the association will meet to hold its annual election.

Kuykendall Arrives

Ed Kuykendall, president of the M.P.T.O.A., arrived in New York from Columbus, Miss., yesterday for the first meeting of Code Authority at the Bar Ass'n Building tomorrow afternoon.

YOU CAN HAVE HIGH INTENSITY ILLUMINATION



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at an added cost of less than 2 cents per hour

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A much higher level of screen illumination than the low intensity D.C. reflector arc provides.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 144 NEW YORK, WEDNESDAY, DECEMBER 20, 1933 TEN CENTS

Will Post Names, Invite Criticism of Code Boards

Loew's Stock Acquired by Noteholders

Anti-Trust Violation Is Charged by Rogers

The holders of $18,300,000 of defaulted notes of Film Securities Corp. yesterday purchased the 660,900 shares of Loew's, Inc., common stock at public auction for $18,604,335, which represents the face value of the notes plus interest from April 1, the date on which the notes were defaulted. Only one bid was received.

Acquisition of the Loew's stock by the purchasing group is alleged to place control of both Loew's and Fox Film with the Chase National Bank. Saul E. Rogers, attorney for Harley L. Clarke, charged this in describing the result of the sale yesterday as returning control of Loew's

(*Continued on page 2*)

Oregon Men Asking Duals Concessions

PORTLAND, Dec. 19.—Seventy-five members of the Oregon M. P. Club composed of representative exhibitors throughout the state as well as exchange heads have decided to accept the code with a reservation that dual billing will not be permitted in this territory except when approved by 75 per cent of exhibitors.

Efforts to get Deputy Administrator Sol A. Rosenblatt to make a con-

(*Continued on page 9*)

Warners' Officers Are All Reelected

All officers of Warner Bros. Pictures were reelected yesterday at the first meeting of the company's directors to be held following the recent annual meeting of stockholders at Wilmington, Del., at which the present directors were elected.

Officers reelected are: Harry M. Warner, president; Albert Warner,

(*Continued on page 2*)

Talk Plan to Save Awards by Academy

HOLLYWOOD, Dec. 19.—Facing possible elimination of the Academy awards because of chaotic conditions here, Howard Estabrook has come forth with the suggestion that the Actors' and Writers' Guilds, the American Society of Cinematographers and

(*Continued on page 2*)

Cleveland Independents Go Sour on Percentage Films

By RED KANN

CLEVELAND.—September was the cause of it all. Good, old NRA, riding pretty high, carried plenty of hopes with it. Theatres in these parts knew something was around which hadn't been for a couple of years. Maybe that fabled corner had been turned. Nobody knew, but this had the earmarks of the real thing.

It followed, that, when local branch managers and salesmen went calling to discuss and to sell some of their pictures in percentage brackets higher than those prevailing the season before, many of Cleveland's independents not only listened, but signed.

"Twenty-five per cent last year and 30 or 35 this year? So what! Business is good and we can afford the increase," went the line of reasoning and so went the contracts. What many of the independents overlooked then, but not now, is that it worked out differently by mathematical formula. This is how, also why:

(*Continued on page 4*)

Number Seven

This is the seventh article in a series on business conditions in the Middle West.

Film Delivery Men Form New National Body

Representatives of film delivery services from all key cities made an effort to achieve unity in this branch of the industry at the Hotel Pennsylvania yesterday by organizing National Film Carriers, Inc. The announcement that the film truckers of the

(*Continued on page 9*)

Schiller Hails Upswing; Wehrenberg Faith in NRA

By E. A. SCHILLER

Vice-President, Loew's, Inc.

Optimism based on fact, rather than hopes, seems to be in order as we look toward 1934. President Roosevelt says we are on the way up, and I believe he knows. With thousands returning to work, the exhibition business must benefit.

There is still and always will be a demand for theatrical entertainment. All we need is a public with money to spend

(*Continued on page 2*)

By FRED WEHRENBERG

President, M. P. T. O. Eastern Missouri

ST. LOUIS, Dec. 19.—Well, we went to Washington and the Government has told us what to do and what not to do.

I have great faith in the NRA, not that we got everything we wanted, but we, at least, came out with something.

Every exhibitor should back the Administration and the NRA, and if the code works a hardship, the leaders of this industry

(*Continued on page 2*)

Majors Want Personnel Fair—Before Code Authority Today

Fixed in their determination to maintain grievance and clearance zoning boards on a plane beyond any harpooning, MOTION PICTURE DAILY learned late last night Code Authority members, representing major companies, will propose submitting personnel of all boards to the fire of a two weeks' publicity inspection. The suggestion, which stands an excellent chance of being adopted when the Code Authority meets for the first time this afternoon, would call for criticism of any appointee on any of the boards from any section of the industry and removal of such member, before entering actual service in event criticism were held by the Code Authority to warrant a substitution.

The major companies last night were reported as viewing this an "ace" move in pulling out by the roots any trepidation or suspicion which may now, or in the future, arise over the integrity of board personnel. Their

(*Continued on page 9*)

Rosenblatt Is Made Head New Division

WASHINGTON, Dec. 19.—Establishment of a new division to deal with amusement codes, with Sol A. Rosenblatt as division administrator, was announced today by Executive Administrative Officer Alvin Brown of the NRA.

Under the reorganization announced some weeks ago, four divisions were established, but the amusement indus-

(*Continued on page 9*)

Labor Board Placed On Permanent Basis

WASHINGTON, Dec. 19.—Permanent status today was given the National Labor Board in executive orders issued by the President, which give it

(*Continued on page 9*)

Rocky Mountain Men Discuss Code Terms

DENVER, Dec. 19.—About 60 exhibitors with copies of the code as printed in MOTION PICTURE DAILY at-

(*Continued on page 2*)

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Warners' Officers Are All Reelected

(*Continued from page 1*)

vice-president; Jack L. Warner, vice-president; Sam E. Morris, vice-president; Herman Starr, vice-president; Albert Warner, treasurer; Samuel Carlisle, assistant treasurer; W. Stewart McDonald, assistant treasurer; Abel Cary Thomas, secretary and general counsel; Harold S. Bareford, assistant secretary; Paul A. Chase, assistant secretary; Edward K. Hessberg, assistant secretary; Samuel Carlisle, comptroller, and Thomas J. Martin, auditor.

Talk Plan to Save Awards by Academy

(*Continued from page 1*)

what is left of the Academy get together and appoint committees of each group to work out some sort of a combination on the awards.

J. T. Reed, Academy head, is in sympathy with the idea and it is understood others are favorably inclined.

Nizer to Analyze Code

Personnel of all local exchanges will meet this afternoon at the Edison Hotel to hear an analysis of the industry code by Louis Nizer, secretary of the New York Film Board of Trade. About 150 will attend the session which opens at 3 P. M.

Elect Neal in Indiana

INDIANAPOLIS, Dec. 19.—S. W. Neal, Kokomo, was named president of the Associated Theatre Owners of Indiana today.

Hails Trade Gains; Sets Faith in NRA

By FRED WEHRENBERG

(*Continued from page 1*)

will see that it is changed, but we must at least give it a fair trial. My advice to all exhibitors is to keep their chin up, keep a stiff upper lip, be real showmen, cooperate with the Better Films Council by getting back of a family night and 1934 will be O. K.

By E. A. SCHILLER

(*Continued from page 1*)

for the amusement. With cooperation of all branches of our industry under the NRA code, I feel sure conditions will be better and with continued fine product for our theatres, the business will share liberally in the general improvement which seems definitely under way.

Code for Parks Is Delayed Two Months

WASHINGTON, Dec. 19.—Failure of proponents to furnish adequate data and statistics, challenges of their claims as to the proportion of the industry they represent and severe criticism of proposed labor provisions today led Assistant Deputy Administrator William P. Farnsworth to postpone for two months the hearing on the code for the outdoor amusement park, pool and beach industry.

Rocky Mountain Men Discuss Code Terms

(*Continued from page 1*)

tended the opening of the two-day convention of the Rocky Mountain Theatre Owners here today.

Practically all of the first session was spent in analyzing the code clause by clause. The feeling is that the code favors distributors over exhibitors. Harry Huffman presided.

Officers will be elected and resolutions adopted tomorrow.

Casey Explains Code

HOLLYWOOD, Dec. 19.—Pat Casey, chairman of the producers' committee on labor, today held the first general meeting with studio managers, clarifying the code.

Erpi Wins in Two Cases, It Declares

Erpi is victor in two actions involving its sound equipment, the company declared yesterday.

In the case of Dunlap, et al, vs. Stein, et al, decided by the U. S. District Court for the Southern District of Texas, it was held the owner of a theatre has no lien on sound reproducing equipment leased by a third party to a tenant operator for a period of years.

Dunlap and Schnorenberg, as landlords of the Bijou at La Feria, Tex., leased the theatre to E. F. Stein, who made an agreement with Erpi for lease of and license to use a Western Electric sound equipment. Upon Stein's failure to meet the rental payments to the landlord, the latter instituted this action to recover and sought to establish and have foreclosed a landlord's lien on the sound equipment, their contention being that the agreement of lease between Erpi and Stein, although termed a lease, was a conditional sale, and that Stein, having title to the equipment, plaintiffs posessed a valid lien thereon under the laws of Texas.

Erpi's cross bill seeking recovery against Stein for rentals for use of the equipment during the period of litigation was also allowed and judgment rendered for $1,400.

Judgment amounting to $678.94 with interest and costs also has been awarded to Erpi in a court action brought against the Landbar Amusement Co. and Arthur Landsman, as an individual, and operator of the Gem, New York to recover unpaid installments and liquidated damages claimed to be due under lease of sound equipment.

Midland Hearing on Receiver Set Jan. 2

KANSAS CITY, Dec. 19.—Continued several times, the hearing on a petition for a temporary receivership of the Midland Realty and Investment Co. has been set for Jan. 2 in the circuit court here.

North Is Made Head Of Warner Division

DETROIT, Dec. 19.—Fred North, Warner branch manager here, is understood to have been made a divisional manager.

Stocks Active—Eastman Up 1¾

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	2⅜	2⅜	2⅜	+ ⅛	100
Consolidated Film Industries, pfd	9¾	9⅝	9¾	+ ⅛	400
Eastman Kodak	80¾	78¼	80¾	+1¾	400
Fox Film "A"	13⅞	13½	13½	— ½	1,800
Loew's, Inc.	30½	29⅝	30	+ ⅛	2,600
Loew's, Inc., pfd	73	73	73	—1½	100
Paramount Publix	2⅛	1⅞	2	— ⅛	6,500
Pathe Exchange	1⅝	1¼	1⅜	— ¼	2,200
Pathe Exchange "A"	10⅜	9¾	9½	—1¼	4,900
RKO	2¾	2¼	2¼	— ⅛	600
Warner Bros.	5⅝	5½	5½	— ⅛	5,800

Curb Issues Slump Slightly

	High	Low	Close	Net Change	Sales
Technicolor	9	8¾	8¾	— ¼	300
Trans Lux	1¾	1¾	1¾	— ⅛	100

Trading Heavy in Bond Market

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3	3	3	.....	1
General Theatre Equipment 6s '40, ctf	3	2¾	3	+ ¼	5
Keith B. F. 6s '46	52	52	52	+1	2
Loew's 6s '41, ww deb rights	81	80½	80½	—1½	4
Paramount Broadway 5½s '51	31	31	31	+ ¼	9
Paramount F. L. 6s '47	28	27	28	.....	1
Paramount Publix 5½s '50	27	27	27	.....	4
Pathe 7s '37, ww	83½	83	83½	+1¾	3
RKO 6s '41, pp	18	18	18	+1	1
arner Bros. 6s '39, wd	39	38½	38⅝	— ⅜	20

Noteholders Take Over Loew's Stock

(*Continued from page 1*)

and Fox "to the same situation which existed when the government intervened under the anti-trust laws and separated single control of the two film companies by setting up Film Securities Corp. to take over the Fox control of Loew's."

Rogers said he would take steps to have the sale of the stock set aside unless the new owners moved immediately to dispose of it.

The bid for the entire block of Loew's stock was made by John R. Dillon of Hayden, Stone & Co., who represented the holders of the defaulted Film Securities notes on which the block of stock was posted as collateral. Hayden, Stone held $2,000,000 of the defaulted notes; Chase National Bank, $4,000,000; A. T. & T., $8,000,000; Dillon, Read & Co., $2,000,000, and the remaining $2,300,000 was held by scattered accounts.

Price Is $28.15 a Share

The bidders' price represented $28.15 per share. Yesterday's closing price for Loew's was $30, or a market price for the block of $19,827,000, as compared with the $18,604,335 paid at auction yesterday, and the $76,000,000 originally paid for the stock by William Fox, who acquired it in 1927.

The stock first was offered at auction by Adrian H. Muller & Son, auctioneers, in the 131 individual blocks of 5,000 shares each and one block of 5,900 shares. No bids were received for any of the individual blocks. The entire block of 660,900 shares was then offered as a unit, and the noteholders' successful bid was the only one received. The $18,300,000 notes of Film Securities Corp. will be turned in by the holders in payment for the stock.

The sale virtually ends Film Securities Corp., as the Loew's stock disposed of yesterday was its sole asset.

Attorneys for both stock and debenture holders of Fox Film and General Theatres Equipment read a notice prior to the auction advising prospective purchasers of the Loew's stock that they considered the sale to be "a fraud and violation of their claims." Indications are, as a result of the notice, that this group may also join in an action either to have the sale set aside or to require the purchasers of the stock to dispose of it.

Leopold Friedman of Loew's legal department was the only representative of that company present. He took no part in the proceedings.

John H. Amen, special assistant to the attorney general, last week obtained an injunction from Judge John Knox in U. S. District Court here designed to restrain prospective purchasers from violating the government's consent decree of 1931 in the present acquisition of the Loew's stock. The injunction was sought after Rogers had pointed out to the court that, with no outside bidders for the stock, it would undoubtedly go to the Film Securities note holders and result in control of both Fox and Loew's by the same interests. Rogers pointed out that it was such a situation which led to the creation of Film Securities Corp. under the government's consent decree.

Girls...Wives...Everybody will revel in this sprightly romantic comedy

• They'll glory in this story of a model American wife on a fling in Paris...who couldn't make a chump of her husband, because he made a chum of her sweetheart.

They'll gasp at the stunning Paris creations...delight in the merry situations from the stage hit by the author of "When Ladies Meet."

AS HUSBANDS GO

WARNER BAXTER

HELEN VINSON

WARNER OLAND

Catharine Doucet

From the play by Rachel Crothers

Directed by Hamilton MacFadden

JESSE L. LASKY Production

FOX

Your patrons always like

FOX MOVIETONE NEWS

Turn Sour on Percentage Films

Independents In Cleveland Find 'Em High

(Continued from page 1)

If a 25 per center grossed $1,000, the exchange's end is $250. The same picture, same gross, at 30 per cent obviously means $300 for the distributor and, while the percentage uppage merely goes from 25 to 30, the film cost goes up by 50 iron men. Actually, in point of operating overhead, the hike is 20 per cent, not a lowly five.

Where 25 per cent attractions leapt to 35, it works out in sharper brackets, obviously. Not only does the theatreman pay the exchange $100 more, but approaching the tricky procedure on the basis of cost, it makes itself quickly patent that the plus from the old $250 to the new $350 means a 40 per cent rise in rentals.

A lot of the independents here failed to grasp this. When they did, some jaws began to sag, but even then, there would have been no complaints if the NRA excitement, so evident in September, had not begun to subside toward the end of the month to stay that way since. The result is opposition to percentage pictures on the part of the scrappy bunch of independents who keep exhibition from becoming stereotyped in this city on Lake Erie's shores.

A Familiar Plaint

While the producer-untrammeled exhibitor complains about that, the first run operators have some beefs of their own. Their story runs true to form here as it does in other Middle Western cities. It has to do largely with 15 cent theatres in the Public Square district that cut under "early bird" prices of the big houses, run dual bills and, in general, make the existence of the "A" operators troublesome. It has to do with the presence of too many seats downtown, an understanding that this is the real trouble and no solution unless a convenient earthquake were to hit town after show time some night and furnish the way out.

Much speculation has been afloat over the recent acquisition of the 3,800 seat Hippodrome by the Warners. It's been described as part of a move presaging further expansion in the city, but here, where Warner outlets include the downtown Lake as well as the Uptown and Variety in the neighborhoods, the circuit apparently is content to rest. The "Hipp" went into the fold on the strength of a sweet deal cooked up by Nat Wolf, local zone manager, on a basis which cost his company little, returns to it a management fee and, at the same time, provides a big first run front outstripping the Loew and RKO opposition in point of seating capacity. Here, Warner product gets its local break, as will part of Fox and a split of Columbia. The Lake, once key house for the Warners, has gone into a "B" policy and runs its own company's output exclusively.

In the four-cornered tussle for big grosses, Warners have their old-time opposition, Loew and RKO, and something new in local theatre history: a downtown, independent first run. This is the Allen, once the ace house of Loew's Ohio Theatres and now operated by a group composed of Myer Fine, Max Lefkowitz, Perc Essick and Abe Kramer on film deals with Universal, and part of United Artists. This is the house, too, which Loew's is again making eyes at, according to report.

The Palace, snuggling close to Loew's State, does a grand business when it gets a "Little Women," houses stages shows, was one of the prides of E. F. Albee who spent a fortune on it and is now a source of great concern to RKO because it constantly requisitions so much red ink.

Loew Circuit Depleted

The State, local outlet for M-G-M, Paramount and a choice of United Artists, is today's leader of what is left of the Loew string in Cleveland. Once 11 theatres strong, the circuit now contents itself with five; the remaining six have gone to other hands. Downtown there is left the Stillman, once one of the city's finest where grosses were heavy as well as fancy but now a double feature stand. The Mall, with its two decks, has gone to Meyer Fischer, state right operator who runs it for 15 cents on a twin bill policy. The Cameo has gone to Paul Gusdanovic and Bill Skirball, a 15 cent top and a double feature program while the Allen is now opposition. Elsewhere have gone the Circle, Doan and Liberty uptown. Kept have been the Park, Granada and Alhambra.

In many ways the course of theatre operation here is without parallel in the entire country. Traditional enemies of the first runs, the subsequent runs had an idea the protection agreement which really became effective in February of this year would solve a lot of their troubles. Signed in the latter half of 1932, it was designed to take care of the operators who insisted on double featuring through a set-back in protection on the basis of price classification and the calibre of exhibition ethics.

Somewhere along the line, however, failure to include the downtown first runs drove the realization home quickly enough that anything but a slight error had been made. While all houses after first run are subject to its limitations, there is nothing in the agreement which can make the down towners behave. Thus it is that, Loew's State currently playing a double feature bill with the Lake following in and the Hippodrome almost set to go likewise, cannot be penalized for its policy switch even if that switch is designed to hold only one week.

Although unconfirmed, the identical situation is declared to prevail at the independently-operated Allen. Myer Fine is reported to have taken the stand that, while the protection pact affects him in his neighborhood operations, it does not along Euclid Avenue. This is merely a quick idea of how screwy the situation is locally.

It explains the curious phenomena current all over the city on almost any day in the week. It demonstrates how a theatre which is Class A because it maintains an adult admission of 25 cents after six o'clock and shies clear of doubles, giveaways or two-for-ones can get its pictures 36 days after the close of the first run but can go back to the 63rd day of release by picking up any of the practices which it denies itself while in the A classification.

No Fixed Policy

It is common procedure here to stay "A" one or two nights a week, slip into "B" for a couple of evenings and revert for a third time in the same week to the first status. About it all nothing apparently can be done. Only a few weeks ago, another move, one of many, was made to hold duals to one night a week. Members of the Cleveland M. P. Exhibitors' Ass'n. agreed, but a couple of days later the deal was off.

Independents here have been successful in padding admissions slightly and are getting away with it. One of the reasons why the new 10 per cent state tax caused such a rumpus ties in with the general swing toward higher scales. Twenty cent houses were figuring on a quarter and the latter on 30 cents when along came the levy and made it impossible to add both. In every instance, the levy has been passed onto the public with a couple of added pennies finding their way into the exhibitors' till at the same time.

Conditions in Better Shape Than in 1932

For instance, what was formerly a 30 cent admission is now 31 cents, plus four cents tax to a total of 35. Twenty cent admissions, in many cases, have gone to 25 of which the state gets only three cents.

The Ohio public paid $3,000,000 for its entertainment in the month of October, this total being computed on the basis of $300,000 tax collected in that month and with a complete disregard of admissions up to 10 cents which are tax-free. The 411 operating theatres in the state must have nabbed most of the total. And yet, as matters stand with their slight increase, many exhibitors are in a huff on the ground that the tax is depriving them of money they figured ought to be theirs.

By surface indications and somewhat deeper as well, conditions are generally better in this territory. A contributing factor, however, and one that will have to be disposed of some day is the question of theatre rents. Many exhibitors have made deals with their landlords for suspended payments. On such a basis, it obviously follows available grosses would indicate conditions are decidedly on the up curve. There is, however, much which is shifting and restlessness beneath the exterior.

No Abundance of Joy

Exchangemen, or some of them at any rate, are none too happy with the condition as it prevails today. They hint rather openly of practices on the part of some of the more powerful independents which smack muchly of the unsavory. They talk about "understandings" whereby one independent will buy half of a program, refuse to discuss the remainder and thereby make it possible for a competitor, by prior arrangement, to pick up the second half at lower prices because there is no other place to go with it. If this is true, the distributor viewpoint here is that the grievance board under the code will take care of this and other practices.

Cleveland reflects the interest of other cities west of Pittsburgh in the code: it's awaited not so much because of what it contains, but rather because it is the law and must be obeyed. On the other hand, some opinion sees room for much improvement and an opportunity to clean up many messy situations if the personnel of the grievance board, to be named under the code, is impartially selected and fair in its appraisals.

All hands here agree that some sort of a state tax could not have been avoided. The original proposal matched up the Federal impost: 10 per cent on admissions of 41 cents and above. This would have exempted every theatre in the state with the exception of a few de luxers operated by producer-affiliated circuits. Important Cleveland independent theatre-

(Continued on page 9)

It Happens in Cleveland

Cleveland—Having worked out an advertising directory with the *Cleveland Plain Dealer* on behalf of its members, the Cleveland M. P. Exhibitors' Ass'n. is endeavoring to extend the same sort of deal to other local papers.

***The Plain Dealer* ordinarily gets 55 cents a line on Sunday. The tariff, however, has dropped to 30 cents a line, now that subscribing theatres use a minimum of two lines a day seven days a week. . . .**

Theatre liability insurance, once eight cents a seat, has clambered to 25 cents per seat. That's traceable to the mounting cases of toe-stubbing on the part of the public, always followed by a suit against the exhibitor, Moe Horwitz, whose Heights Theatre is one of the best neighborhood de luxers, has eight of these "nuisance" actions on his neck. Also higher insurance premiums. . . .

Only 17 houses of the city's 111 are dark. This time last year, the total was 24. . . .

One local exhibitor went to a three cent admission recently. Here's how: Announced price, 15 cents. "Advertising pass," plus a nickel in cash, admitted one patron. The scheduled admission made it necessary to pay a state tax of two cents. Two from five equals three. Show: double features.

An industry, aware of the devotion which this man has given to the perfection of the short comedy, now joins the public in a fitting celebration of the

20th *Anniversary*

HAL ROACH COMEDIES

JAN 8th TO 15th

20 HAPPY YEARS

1914—

The cherished photo above shows Mr. Roach (*at left*) directing Harold Lloyd, Snub Pollard, Bebe Daniels in an early Hal Roach comedy. Below is a photo of Stan Laurel and Oliver Hardy in a new Hal Roach comedy, "Busy Bodies",

—1934

Star Maker

Here are some of the celebrated folks who at various times were under the Hal Roach banner. Many of them gained their original recognition on the Hal Roach lot!

Harold Lloyd
Snub Pollard
Gale Henry
Stan Laurel
Oliver Hardy
Glen Tryon
Polly Moran
Charley Chase
Clyde Cook
Jimmy Finlayson
Jackie Cooper
Olive Borden
Sally O'Neill
Fay Wray
Bebe Daniels
Mabel Normand
Lionel Barrymore
Theda Bara
Will Rogers
Lupe Velez
Janet Gaynor
Jobyna Ralston
Mildred Davis
Herbert Rawlinson
Jean Harlow
Anna May Wong
Molly O'Day
Jane Novak

A HAPPY EVENT HAPPILY EXPLOITED BY M-G-M!

FREE ACCESSORIES

Shown on next page!

PLAY A HAL ROACH COMEDY

on every change of program during the 20th Anniversary Celebration of the King of Comedy—

JANUARY 8th TO 15th

STAR POWER! FEATURE STRENGTH! PRODUCTION VALUES DE LUXE IN THE HAL ROACH M-G-M LINE-UP!

The Top Notchers of Comedy Fame!

STAN LAUREL
OLIVER HARDY

Consistently the Dependable Laugh Star!

CHARLEY CHASE

The Girls Who Give You Gobs of Giggles!

THELMA TODD
PATSY KELLY

"Spanky", "Stymie", "Pete" and All The Kid Stars!

"OUR GANG"

Don Barclay, Douglas Wakefield, Billy Nelson, Jack Barty! The Cream of the Lunatic Crop!

ROACH ALL-STARS

Billy Gilbert, Billy Bletcher (Schmalz Brothers) in the De Luxe Hal Roach Musical Delights

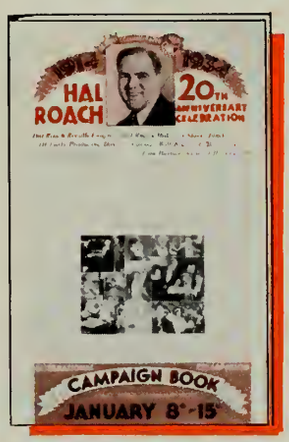
MUSICAL COMEDIES

(over please)

"PROUD OF YOU, HAL!"

"The industry knows . . . the public knows . . . that for twenty years you have brought entertainment and happiness to millions the world over. Now all join in acclaiming you, "King of Comedy"... in predicting for you still greater success in another twenty years of short feature leadership!"

Your Pal, Leo.



ABOVE: *Two-Color press sheet.*
LEFT: *One Sheet lithographed in 6 colors.*

CONTENTS OF SPECIAL 20th ANNIVERSARY PRESS-SHEET

PRESS STORIES. Newspapers welcome reminiscent stories of early movie days and stars of the past. PRESS MATS. Great old-time stills that editors will want to publish. AD MATS. And a complete day-by-day Exploitation Campaign.

ALL FREE! ONE SHEET! AD MATS, STILLS, TRAILER!

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PLAY HAL ROACH COMEDIES Jan. 8th–15th

Proudly sponsored by

METRO-GOLDWYN-MAYER

Plan to Post Selections for Code Boards

(*Continued from page 1*)

leaning toward a rotating chairman, as reported exclusively in MOTION PICTURE DAILY yesterday, is expected to be accepted.

Deputy Administrator Sol A. Rosenblatt probably will be named chairman of the first session today and Sidney R. Kent chairman of the next, whenever called. Meetings are to be held as often as the 10 voting members of the Authority may determine.

The attitude of three unaffiliated members of the Code Authority, who are Nathan Yamins, Fall River, an Allied leader; W. Ray Johnston, president of Monogram and representative of independent producers and distributors, and Charles L. O'Reilly, president of the T. O. C. C. of New York, is regarded as currently fixed in favor of a permanent chairman. Robert H. Cochrane, vice-president of Universal, today will seek to swing the viewpoint of these men toward the rotating chairman idea, it was reported last night.

Offices for the Authority probably will be opened in the new NBC Building in Rockefeller Center.

Reported favored by representatives of the majors for secretary is John C. Flinn, at present handling special exploitation for Paramount. The unaffiliated Authority members, however, are expected to present a candidate of their own, but Flinn has an excellent chance of winning the appointment. The secretaryship is a government post and pays $12,000 a year. The designated secretary, whoever he may be, would be required to resign any other post, it is regarded as certain.

Today's meeting will be held behind closed doors and a statement covering the deliberation made public at its conclusion. Whether or not future meetings are to be opened to the press is a procedure for the Code Authority to determine.

Representing the industry on the body, each with one vote, are Sidney R. Kent, Nicholas M. Schenck, M. H. Aylesworth, Robert H. Cochrane, Harry M. Warner, George J. Schaefer, Ed Kuykendall, Nathan Yamins, W. Ray Johnston, Charles L. O'Reilly. Only two of three government representatives thus far have been named. They are Rosenblatt and Dr. A. Lawrence Lowell. The latter's resignation for several days has been reported as imminent.

L. B. Metzger Looks For Code Benefits

CHICAGO, Dec. 19.—Lou B. Metzger, San Diego exhibitor, says he can not see how the code can do any harm, but does see possibilities for a lot of good for independents. He said as much here today while waiting between trains on his eastbound trip from the Coast.

"This is the first time independents have had any voice in the industry with authority to back it up," he said. "The code places independents on an equal footing with circuits and large buyers."

Metzger is on a combined holiday and business trip.

Emergency Council Given New Powers

WASHINGTON, Dec. 19.—Transfer to the National Emergency Council of the responsibilities and duties of the special industrial recovery board headed by Secretary of Commerce Roper was ordered today by President Roosevelt as a step toward the unification of the recovery program for purposes of efficiency.

A major purpose of the emergency council, however, will be the publicization of the recovery activities of the government, to further which state directors will be appointed throughout the country. Local councils will be established "to provide every citizen in the country with easily understood guidance for the use of the recovery and relief agencies."

Rosenblatt Is Made Head New Division

(*Continued from page 1*)

tries were given a separate status, with Rosenblatt reporting directly to General Johnson. Under the order issued today Rosenblatt becomes a division administrator with the same title as the heads of the four original divisions.

As a result of the change, it is anticipated William P. Farnsworth, now assistant deputy administrator, will be advanced to deputy administrator.

Oregon Men Asking Duals Concessions

(*Continued from page 1*)

cession on this point have not resulted in anything definite so far.

Men recommended for the zoning and clearance board are: Homer Gill, Evergreen State, affiliated first run; Andrew Saso, Hamrick, unaffiliated first run; Oscar Phelps, Hillsboro; George Jackson Woodlaw, unaffiliated first run; grievance board—Ted Gamble, Parker Theatres, affiliated circuit, and William Cutts, Kenton theatre, unaffiliated.

Labor Board Placed On Permanent Basis

(*Continued from page 1*)

authority to "compose all conflicts threatening the industrial peace of the country."

Originally created to handle labor disputes arising under the President's re-employment agreement, the board has recently become involved in controversies arising under codes, and it was to give it full authority to deal with such matters that the order was issued.

The board is empowered to mediate, conciliate or arbitrate all controversies between employers and employes "which tend to impede the purposes of the NIRA" but it may decline to take cognizance of controversies "in any field of trade or industry where a means of settlement provided for by agreement, industrial code or Federal law has not been invoked."

Disney a Dad

HOLLYWOOD, Dec. 19.—Walt Disney has become a daddy. It's a girl.

Cleveland Sour on Percentage Films

(*Continued from page 4*)

men declare they were willing to work with Pete Wood, business manager of the Ohio M. P. T. O. three hours away in Columbus, on this basis.

Through some method not clearly defined, the state legislators discovered the originally proposed tax would have returned little revenue and revised the bill downward to include 25 cents and above. They maintain Wood informed legislators this would be unfair and that the industry wanted 41 cents or nothing. When word of this reached here, a double-cross was charged and wires immediately shot through to the Columbus law-makers asking for exemption on 25 cents and all above that figure. Cincinnati, where the general admission scale is lower, telegraphed for 15 cents and above. And so it went.

It wasn't long after when the legislators realized there was a split in exhibition ranks and determined to do their own deciding. Their decision was a tax above 10 cents and so it was enacted. This, briefly, is the series of circumstances which led to formation of the rival Independent M. P. Exhibitors' Ass'n. of Ohio with Ernest Schwartz of Cleveland as president.

From the economic watchtower, Cleveland is more optimistic today than at this time a year ago. Bank statements and clearing house figures indicate that whatever money is around is being more freely circulated. Unemployment in the greater city, as of Dec. 1 totaled 130,000, a 50,000 decrease by comparison with the same period in 1932. The gain in employment has been progressive since March of this year and, while it is difficult to gauge whether or not this is due to natural causes or the influence of the NRA, nobody worries much so long as the figures continue to show improvement.

The local end of the Federal civil works program promises jobs for 44,000 by Jan. 1. At the set weekly salary of $15, this is expected to increase buying power tremendously and throw into circulation practically all of the $660,000 which these workers in combination will earn by the beginning of the new year.

Proof that money is available when buying conditions take the form the public will go for is advanced in the Federal Reserve Bank's statistics on department store sales for the first 10 months of 1933. From February through March, sales were 25 per cent below the same months of 1932. In June, however, the tide began to shift. July was 25 per cent ahead of July, 1932; August was 51 per cent ahead of its companion month a year earlier; September, 23 per cent ahead of 1932's September and October, 15 per cent ahead of the same month a year previously. November, also, is reported to have been satisfactory while the net gain for the first 10 months of the year is, six per cent ahead of 1932.

What is bothering neighborhood houses is the city's financial situation. The municipal treasury is $3,400,000 overdrawn in cash as compared with an average of $1,300,000 in 1932. Employes are being paid in scrip to the tune of 25 per cent and which theatres are refusing to accept.

Marked by peculiar characteristics of its own, Cleveland's story, therefore, is the story of its neighboring cities in this section. The distance to double back on is considerable. Perhaps the grade won't be made. But things are better now than they were and the socks are proving easier to take.

(*Copyright, 1933, Quigley Publications*)

Next in this series will deal with Columbus and what goes on there.

Film Delivery Men Form New National Body

(*Continued from page 1*)

country had decided upon a united front was made following a series of conferences held behind closed doors.

Officers of the organization were named as follows:

James P. Clark, Horlacher Delivery Service, Philadelphia, president and treasurer; H. O. Robinson, Film Truck Service, Detroit and Chicago, vice-president; Clinton Weyer, widely known in the film insurance business, secretary.

The board of managers will consist of E. E. Jamieson, Exhibitors' Film Delivery and Service Co., Kansas City; T. W. Gilboy, Gilboy Co., San Francisco; L. M. Miller, Electric Delivery System, New Orleans; M. H. Brandon, Inter-Carolina Delivery Service, Charlotte, N. C.; Charles E. McCarthy, Film Transfer Co., Minneapolis; F. E. Smith, Smith Film Service, Inc., Syracuse; R. C. Jones, Chicago, and H. Decker, Film Exchange Transfer Co., Boston.

An executive committee consisting of the following was chosen: L. C. Gross, Gross and Johnson, Cleveland; John Vickers, Carolina Delivery Service Co., Charlotte, N. C.; George F. Callahan, Exhibitors' Service Co., Pittsburgh, and Robinson.

That the organization plans to petition the NRA for a separate code for the film delivery business was revealed by Weyer. Film delivery services at present come under the trucking code.

"The trucking code," said Weyer, "is not applicable to this specialized line. We intend to take immediate action in an attempt to obtain recognition under a code of our own."

Clark, Robinson and Callahan were appointed a committee of three to take care of this phase of the organization's activities.

The purpose of the National Film Carriers, according to Weyer, is to permit an exchange of ideas between members of the industry and make possible a uniform standard of operation.

Others at the meeting were E. S. Johnson, Gross and Johnson, Cleveland; J. Bradley, Film Pick-Up Service, Minneapolis; P. F. Talcott, Theatre Service Co., Minneapolis; S. B. Bonello, Film Express Service, Minneapolis; C. W. Trampe, Film Service, Inc., Milwaukee; Ben Koenig, Milwaukee; Alfred Sickles, Milwaukee; H. H. Howell Trucking Service, Inc., Rochester; G. M. Blackman, Syracuse; A. P. Siegel, Siegel Trucking Co., Inc., Albany; Northwest Film Delivery Co., Seattle; P. L. Tanner, Film Transit Co., Cleveland; I. Albright, Theatre Transport Co., Toledo; H. B. Solomon, Cleveland; L. Walz, Interstate Film Service, Minneapolis; C. W. Jensen, Middlewest Film Express, Minneapolis; Harry Kahan, Kahn Delivery Service, St. Louis, and M. Adelman, New Jersey Messenger Service, Philadelphia.

The companies represented at the conferences serve 6,500 theatres and own and operate 575 trucks. Headquarters will be maintained in New York.

N. J. Allied Hears Myers

TRENTON, N. J., Dec. 19.—Abram F. Myers gave an analysis of the code at a meeting of Allied of New Jersey today at the Stacey Theatre here.

MERIAN C. COOPER, Executive Producer

AND BACKED B

FOR THE FIRST TIME NORTH OF THE EQUATOR . . . *they're doing the*

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the tantalizing, mesmerizing Brazilian Dance Sensation that soon will be driving America Melody Mad!

SEE IT! . . and a thousand other wonders in a spectacle set to rhythm, that fills the earth with beauty, laughter, song and dance . . . and sweeps to eye-staggering sensation as the Flying Armada Of Beauty soars on wings of giant planes down heaven's twinkling pathway!

NOTHING LIKE IT HAS EVER BEEN DONE! IT MAKES YOUR FONDEST DREAMS OF MUSICAL ROMANCE COME TRUE!

ING DOWN TO RIO

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GENE RAYMOND • RAUL ROULIEN
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Haunting Melodies by VINCENT YOUMANS

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★
Fabulously Staged by Lou Brock.
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VOL. 34. NO. 145 NEW YORK, THURSDAY, DECEMBER 21, 1933 TEN CENTS

Code Boards Expected To Start Working Soon

Sheehan Again In Command Of Fox Films

In Old-Time Post as Production Chief

HOLLYWOOD, Dec. 20.—S. R. Kent, Fox Film president, is understood to have informed all producers on the lot that complete power of story selection from this point on will be vested in Winfield Sheehan. The order is construed as indicating Sheehan is again back in the saddle as the head of the works at the Fox plant.

Winfield Sheehan

Sheehan's return to his former status, it is learned, will not affect the right of associate producers to determine what vehicles they want to produce, but his position as last word on what shall or shall not be made definitely indicates complete

(*Continued on page 8*)

Aylesworth States He Likes RKO Job

Discounting reports that he would resign from the presidency and chairmanship of the board of directors of RKO, M. H. Aylesworth yesterday stated that he liked his present position, and would continue in his present capacities if the board of directors so desired.

Aylesworth also stated that reorganization of RKO is progressing nicely, and that the board of directors would meet in about a month, when

(*Continued on page 3*)

Para. to Release Saal Jungle Film

"Drums of the Night," produced by William Saal and Ouanga Pictures on the island of Jamaica, will be released by Paramount. The picture, made entirely in natural sound through jungle and underbrush, according to the producer, deals with voodoo and has Freddie Washington, Philip Brandon and Marie Paton in the leads. George Terwilliger directed.

Saal plans a series of films in odd corners of the globe. His next will get under way in January.

Say New Para. Plan Returns 98% of Cost

That approximately 98 per cent of the money to be used in purchase of the assets of Publix Enterprises by Famous Theatres Corp. will revert to the Paramount Publix estate was revealed yesterday at a hearing before Referee Henry K. Davis on Paramount's part in the reorganization plan for its bankrupt theatre subsidiary. Referee Davis approved the plan, which provides for purchase of the assets of Publix Enterprises for $1,800,000 by Famous Theatres, a re-

(*Continued on page 8*)

Lynch to Stay in New Para. Setups

S. A. Lynch, presently in charge of theatre reorganization for Paramount Publix, will continue in an active executive capacity for the company

(*Continued on page 8*)

Schenck Optimistic

Nicholas M. Schenck, president of Loew's, Inc., and M-G-M, had this to say about 1934 yesterday:

"I think we are positively on the road to better times and see this clearly in every line of business that I have had an opportunity to look over. I look forward to better times ahead in 1934 for every business and our industry should get its share of improvement."

Stagger Plan Help To Many Musicians

The stagger plan recently put into effect to spread employment among musicians is proving successful and promises a brighter Christmas to thousands in the profession, it was learned yesterday.

At the offices of the American Federation of Musicians, which sponsored the movement at the suggestion of Deputy Administrator Sol A. Rosenblatt, it was said the 605 locals

(*Continued on page 3*)

Recommendations to Be Received Jan. 4 and Selections Follow

Clearance and zoning and grievance boards are expected to be set up in all key centers of the nation and become operative late in January.

This became evident yesterday when the first meeting of Code Authority met and adjourned to Jan. 4, by which time recommendations for places on the various boards are to be finally submitted and subjected to criticism for about two weeks before the names are officially designated. That posting of names for a two weeks' publicity test would be the procedure was exclusively reported in MOTION PICTURE DAILY yesterday. Sidney R. Kent, Charles L. O'Reilly, George J. Schaefer, W. Ray Johnston and Nathan Yamins were appointed as a committee to handle the recommendations. These will be submitted to the Code Authority at the next session. Five other committees also were named.

With Deputy NRA Administrator Sol A. Rosenblatt acting as chairman, the Code Authority decided to function under a rotating chairmanship, as reported in these columns on Tues-

(*Continued on page 12*)

1934 Looks O. K. to Clark; Idolatry Futile: Comerford

By JOHN D. CLARK
General Manager, Fox Distribution

There is no diminishing of interest in motion picture entertainment on the part of the public, and with better economic conditions in prospect for 1934, I see no reason why the new year should not be a good one for the motion picture business.

Producers and distributors know that theatres must have

(*Continued on page 8*)

By M. E. COMERFORD

SCRANTON, PA., Dec. 20.—As the principal news center in our business, one might, with propriety, ask you about the state of the industry. You have given great service to the motion picture in all of its varied phases, and more than any other person, I believe, can now give a proper line on what is about to happen.

There is no occultism about it. We

(*Continued on page 8*)

Denver Men Refuse Code Endorsement

DENVER, Dec. 20.—Endorsement of the code was refused today by the Rocky Mountain Theatre Owners' Ass'n. and a committee of five was named to analyze it and recommend changes to the Code Authority. Harry

(*Continued on page 12*)

Lowell Resignation Hanging in the Air

Whether A. Lawrence Lowell will serve as first government representative on Code Authority is still undecided. Deputy NRA Administrator Sol A. Rosenblatt, when queried yesterday on the reported resignation,

(*Continued on page 12*)

Report Coast Indies May Join Hays Group

HOLLYWOOD, Dec. 20.—Alleged internal strife within the ranks of the I. M. P. P. A. is said to indicate several leading independents will join the

(*Continued on page 3*)

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Vogel Reports 350 Party Reservations

Over 350 reservations from members and their friends have already been made for the Christmas "get-together" of the Managers' Round Table Club, of *Motion Picture Herald*, to be held tonight at the Brass Rail, 49th Street and 7th Avenue. According to A-Mike Vogel, chairman, almost every circuit in New York and vicinity will be represented, as well as delegations from independent houses.

The entertainment, in charge of Lew Preston, will include a floor show in which radio and stage names are to take part, with music furnished by the full Academy of Music orchestra.

Vogel states that those unable to make advance reservations will be welcome at the door, as accommodations have been provided for 500 guests.

Invitations have been extended to: George Skouras, Will White, S. Charles Einfeld, Mort Blumenstock, Sam Rinzler, Louis Frisch, Bob Gilham, Lou Goldberg, Hal Horne, Monroe Greenthal and others.

U. S. Court Approves Sale of Loew Stock

The sale of 660,900 shares of common stock of Loews, Inc., to a protective committee of note holders of the Film Securities Corp. for $18,604,335 was approved yesterday by Federal Judge John C. Knox. The committee by the terms of the order of sale is restricted from transferring the stock to any third party without the consent of the court.

Purely Personal

ARTHUR MESTER has replaced W. E. COOK as assistant manager and treasurer of the RKO 86th St. theatre with COOK now assistant manager and treasurer of the RKO 81st St. house.

LEWIS J. RACHMIL, vice-president of Goldsmith Productions, will be married Saturday night to HELEN R. GOLDMAN of Brooklyn.

KARL MACDONALD, Warners' Latin America division manager, returned yesterday from Kingston, Jamaica.

RICHARD BARTHELMESS will spend New Year's here if he can finish "A Modern Hero" by next Wednesday.

RAY HODGDON has been assigned as student manager covering the houses in H. E. EMDE's division.

E. H. ALLEN, production manager of Educational studios, has left New York for the coast.

DU ROCHER MACPHERSON'S "She Takes the Wheel" has been bought by M-G-M for screening.

MEYER DAVIS will conduct his orchestra at the New Year's eve party at the White House.

S. N. BEHRMAN is in town for a few days before going south to work on a new play.

RAY KOCH has been appointed assistant manager at the 58th St. theatre.

ABE LYMAN and his band have completed work in a Vitaphone short.

PANAGIOTIS is what George Skouras' middle initial stands for.

DON DEAN, South American radio star, is at the Warwick.

CHARLES R. ROGERS reaches Hollywood today.

Amity Action Proceeds

Further examination of E. W. Hammons, president of Educational, in connection with the action of Amity Pictures to recover certain distribution revenues alleged to be due from Tiffany, was conducted yesterday by H. William Fitelson, attorney for Amity. Rights to the Tiffany productions were acquired by Amity some time ago. The preliminary examination of Hammons is scheduled to be resumed tomorrow.

May Be Provisional

Warners stated yesterday Fred North, Detroit branch manager, is only "acting division manager" of its Detroit, Pittsburgh, Cleveland and Cincinnati offices, thereby indicating the promotion is provisional. Roy Haines, now in charge of company sales in the metropolitan area, formerly had this territory.

U. A. to Hold 2 Showings

United Artists has decided on trade showings in all key centers for "Gallant Lady" and "Moulin Rouge." The former will be shown Dec. 29 and the latter Jan. 15.

In Town for Holidays

George Batcheller, president of Chesterfield, is in town for the holidays and plans to return to the coast after the first of the year.

Sixth Week for "Women"

"Little Women" enters its sixth week at Radio City today. It played 21 days at the Music Hall and now begins a third week at the Center.

Salesmen Vacation

Salesmen of practically all companies are on their usual seasonal vacations and return to their jobs on Jan. 2.

Trading Heavy—Most Issues Slip

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24¼	23¼	23¼	—1½	400
Consolidated Film Industries	3	2¼	3	+ ⅜	800
Consolidated Film Industries, pfd	10⅞	9⅞	10⅞	+1⅛	2,900
Eastman Kodak	81	77¼	78	—2¾	1,900
Fox Film "A"	13¾	12¾	13½	.....	1,700
Loew's, Inc.	30½	27⅝	28¾	—1¼	4,300
Paramount Publix	2	1¾	1⅞	— ⅛	3,100
Pathe Exchange	1½	1¼	1¼	— ⅛	1,200
Pathe Exchange "A"	10½	8⅛	9¼	— ¼	3,200
RKO	2¼	2⅛	2⅛	— ⅛	700
Universal Pictures, pfd	15⅝	15⅝	15⅝	.....	3,000
Warner Bros.	5⅝	4½	4⅞	— ⅝	17,500

Trading Light in Curb Market

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	⅛	⅛	⅛	.....	100
Sentry Safety Control	¼	3/16	3/16	.....	200
Technicolor	8⅛	8¼	8¼	— ½	2,000
Trans Lux	1¾	1¾	1¾	.....	100

Bond Market Fairly Steady

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3	2⅝	3	.....	29
General Theatre Equipment 6s '40, ctf	2⅝	2½	2⅝	— ⅜	7
Keith B. F. 6s '46	51⅞	51⅞	51⅞	— ⅛	1
Loew's 6s '41, ww deb rights	80¾	80¾	80¾	+ ¼	2
Paramount Broadway 5½s '51	30¼	30⅛	30⅛	— ⅛	4
Paramount Publix 5½s '50	27	27	27	.....	1
Pathe 7s '37, ww	83¾	83½	83¾	+ ¼	2
Warner Bros. 6s '39, wd	39¼	38⅜	39	+ ⅜	35

SPOT NEWS from COLUMBIA

Everyone will be singing the songs from "LET'S FALL IN LOVE," written by Harold Arlen and Ted Koehler, composers of "Stormy Weather," featuring Edmund Lowe, Ann Sothern, Miriam Jordan and Gregory Ratoff.

Millions await CLARK GABLE and CLAUDETTE COLBERT in the romantic comedy by Samuel Hopkins Adams read by one and a half million readers of Cosmopolitan Magazine. See these two stars together for the first time, under Frank Capra's direction.

Exhibitors, press and public are acclaiming Frank Borzage's production, "A MAN'S CASTLE." Featuring Spencer Tracy and Loretta Young, it has already chalked up records in Buffalo, Atlanta, New Orleans, Hartford, Milwaukee and other cities.

"ONCE TO EVERY WOMAN." ...What a box-office title! Ralph Bellamy, Fay Wray and Walter Connolly head the cast of this picturization of A. J. Cronin's famous Cosmopolitan Magazine story. Watch this one.

Stagger Plan Help To Many Musicians

(Continued from page 1)

throughout the country had set the plan rolling. Ed Canavan, head of the Associated Musicians of Greater New York, which is Local 802 of the Federation, asserted it was doing much to help relieve hardship among musicians in the New York City territory, of whom there are some 15,000.

Under the stagger idea an unemployed musician is assured of one week's work in four. As it operates in New York, two days' work is given in each of the first three weeks, with one day the fourth week. The full effect of the system will not be known until about the first of the year, when the first four weeks' period will be up.

Libson Makes Three Cincy Policy Shifts

CINCINNATI, Dec. 20.—Policy shifts are being made here by the Libson-Frudenfeld setup.

Class A product, heretofore confined to the Albee, will also be played at the Lyric, Capitol and Grand, and the Grand will go on a full week basis. This leaves the Family the only split week house downtown.

For Ampa Party

A check-up late yesterday indicated the Ampa may run short of tickets for its Christmas party at the Astor today. The capacity of the ballroom is 1,000 and already most of the tickets have been sold.

Definite acceptances from important film men so far include Will H. Hays and Eddie Cantor. Mario Chamlee, Metropolitan Opera star, will also be there. Cantor, Hays and Louis Nizer are scheduled as the only speakers.

St. Louis Operator Hurt

ST. LOUIS, Dec. 20.—Albert Fletcher, operator at the Maryland, was slightly injured yesterday when a bomb exploded on the roof. He was dazed and was treated at the City Hospital.

ST. LOUIS, Dec. 20.—John B. Antoniella, secretary of the United Barbers' Ass'n., was sentenced yesterday to six months on each of two charges of stench bombing.

Walter Gould in Town

Walter Gould, general manager for United Artists in Mexico, has arrived here from Porto Rico, where, with Lester Sussman, he aided in the opening of a new U. A. exchange there.

Sussman remained in Porto Rico as branch manager. Gould will confer with company executives before returning to Mexico City, his headquarters.

Breen a Busy Man

HOLLYWOOD, Dec. 20.—In addition to his other duties at the Hays office, Joe Breen is performing the duties of Dr. James Wingate during his absence in the East for conferences on censorship.

"City" Set in 133 Spots

Warners have set 133 day and date bookings for the opening of "Convention City" on Dec. 31.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Fugitive Lovers"

(M-G-M)

HOLLYWOOD, Dec. 20.—"Fugitive Lovers" has the fundamental movement and drama which make pictures popular entertainment. The action takes place in a speeding transcontinental bus and at way stations.

A show girl, Madge Evans, refuses to go to Atlantic City with a gangster producer, Nat Pendleton, and boards a transcontinental bus, but the gangster goes along, also. A convict, Robert Montgomery, escaping from jail, gets aboard, and the girl, to get away from the gangster, seeks the convict's protection. John Law hounds the convict's trail, and in spite of the law and the gangster menace a romance springs up between the convict and the girl, with good old-fashioned melodramatics, human interest and vigorous thrills coming in for a speedy play.

Montgomery and Miss Evans make the romance sincere. Nat Pendleton registers as the gangster, with both menace and humor. Ted Healy and his stooges supply comedy interludes. C. Henry Gordon puts across a detective role in vivid style. Richard Boleslavsky's direction stresses the basic picture formula of dramatic action.

"Fugitive Lovers" is satisfactory entertainment and should strike a pleasing enough chord where they like pictures that move. Where human interest hokum pulls big audiences it might be better than satisfactory.

Looking 'Em Over

"Criminal at Large"

(Helber)

Spooky is the word for this one. It's an English-made mystery story with the interest centered more on who is going to be murdered next than on who is doing all the stranglings. Most of the way through the story the mother and one of the footmen are the two principal suspects, but finally a half-wit son brings Scotland Yard into the case and confesses while menacing an inspector with a revolver. This is really a remarkable scene.

Interest is maintained well, the setting—mostly interiors of an English castle—are luxurious, and the cast is competent, but, like many British productions, it will be handicapped in this country by the extreme British accent.

The film is an adaptation of Edgar Wallace's stage play, "Frightened Lady." It was produced by Gaumont-Gainsborough with T. Hayes Hunter directing. Lady Lebanon, played by Cathleen Nesbitt, tries to protect her son, who has a mania for strangling people. The work of Emlyn Williams in this role is outstanding. None of the names in the cast mean anything to American audiences.

"Flying Down to Rio," which opens at the Music Hall today, was reviewed by wire from Hollywood in MOTION PICTURE DAILY *Dec.* 12.

"Mr. Skitch," slated for preview at the Roxy tonight, was reviewed by wire from Hollywood on Dec. 8.

"Convention City," which opens at the Strand tomorrow night, was caught in Hollywood and reviewed by wire on Dec. 11.

"Going Hollywood," Friday's opener at the Capitol, was reviewed by wire from the coast on Dec. 12.

"Alice in Wonderland" was reviewed on Dec. 11.

SHORTS

"Sing, Babies, Sing"

(Paramount)

A highly entertaining short with a combination of cartoons by Dave Fleischer and songs by Baby Rose Marie. The animated portion of the picture shows a baby factory in the clouds with all sorts of animals being turned out by the second. Interspersed is a shot of the child actress singing "An Orchid to You" and "Hiawatha's Lullaby." Great for the children. Running time, 8 mins.

"Autobuyography"

(Radio)

Leon Errol's experiences in buying a new car and then having it fall to pieces the first day constitute the substance of this short. There is a lot of meaningless dialogue between Errol and the salesmen and at times it appears this subject is an ad for a new automobile manufacturer. Dorothy Wolbert is Errol's wife and Georgie Billings, the son. Running time, 20 mins.

Aylesworth States He Likes RKO Job

(Continued from page 1)

M. C. Cooper is expected to return to New York from the coast.

Asked whether he would continue under the reorganized company, Aylesworth said that he "hasn't decided yet."

Directors were supposed to have met when Cooper was last in town, but the executive producer for Radio pictures was called to attend the funeral of his father in Jacksonville, Fla.

Cullman Sees Money In Film, Not Shows

Pictures are the source of theatre profit, declares Howard S. Cullman, receiver for the 7th Ave. Roxy. Some of the biggest grosses have been with good pictures and limited stage shows, he says, and some of the smallest have been with mediocre pictures and elaborate shows.

Some things he has learned in his first year in the show business, he says, are that the public must be pleased and that theatres can get along without impresarios who conceal themselves in elaborate suites and private cafeterias.

The Roxy has been in the black since he developed enough courage to get rid of big presentations two weeks after becoming receiver, he says.

Loew Managers Talk On Code at Memphis

MEMPHIS, Dec. 20.—Loew's Southern managers began a two-day conference here today on the effects of the code on theatre operation. The meeting was called by Col. Lionel H. Keene of Atlanta, southern division manager; Col. Cecil E. Vogel, local city manager, and Bernard Thomas, state manager.

Others attending are: Rodney Toups, New Orleans; W. V. Taylor, Houston; Edwin Adler, Nashville; Walter McDonald, Louisville, and Walter Dewitt, Evansville.

Report Coast Indies May Join Hays Group

(Continued from page 1)

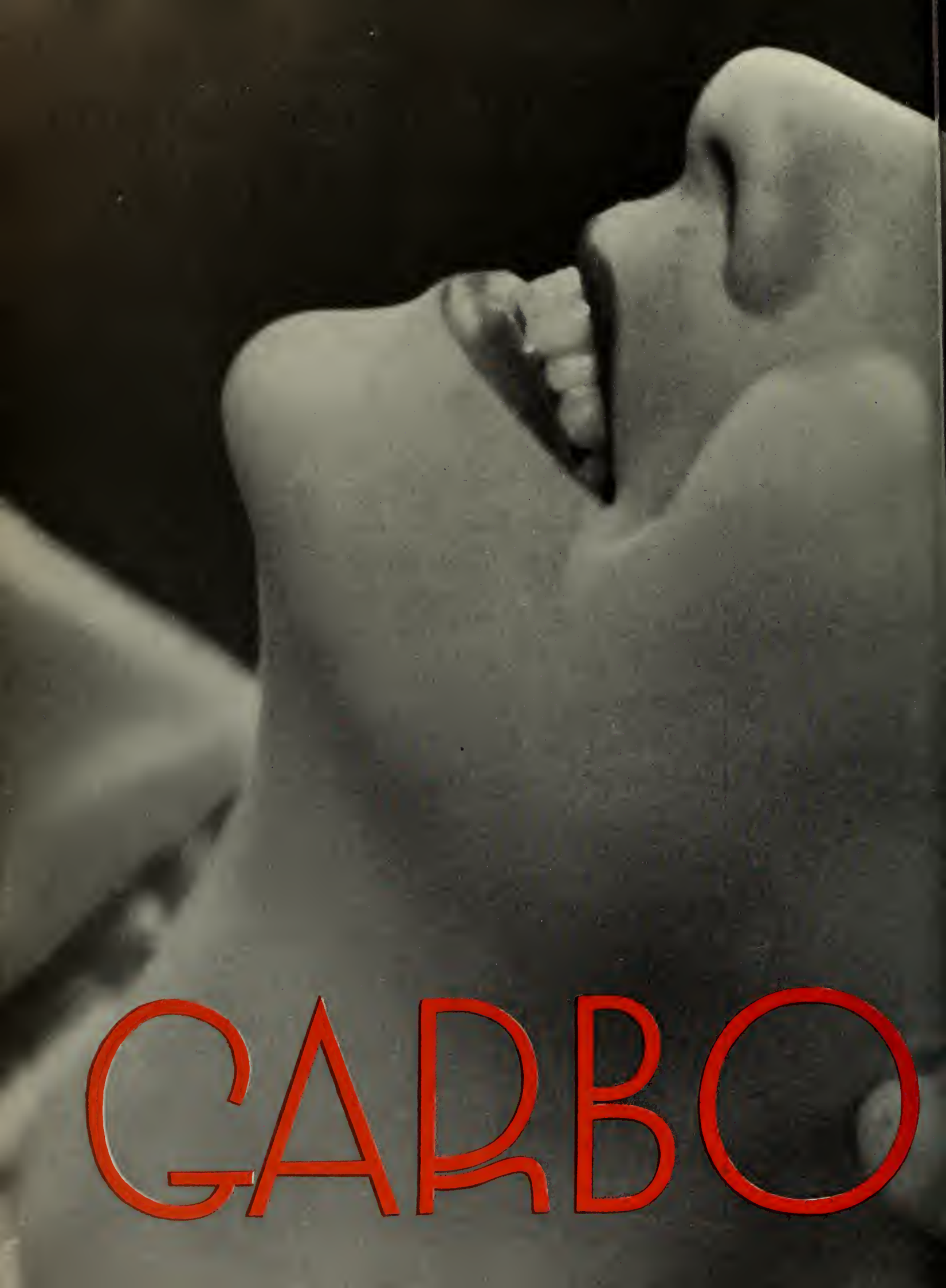
Hays organization. Several independents, it has been learned, are already submitting scripts and stills for censorship to the M. P. P. D. A., a spokesman for which declares none has made application yet but that there is a strong possibility they will in the near future.

Lebensburger Resigns

CLEVELAND, Dec. 20.—Maurice Lebensburger has resigned as manager of the Cleveland office of Majestic Pictures. For the time being, Mark Goldman, district manager, will have charge of the Cleveland and Cincinnati offices which are owned by Morris Segal of Cincinnati.

Arthur Eastbound

LOS ANGELES, Dec. 20.—Harry C. Arthur left today for New York, following conferences with his brother, Milton, Spyros and Charles Skouras and Louis Cohen, realty head for F. & M.


GARBO

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20TH CENTURY PICTURE

Presented by
JOSEPH M. SCHENCK

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Gallant Lady"

(20th Century)

HOLLYWOOD, Dec. 5.—"Gallant Lady" is big and fine. A thrilling picture, throbbing with a measured beat of human sympathy.

Audiences will meet, know, and be pulling for as swell a group of human beings, led by Ann Harding and a stellar cast, as have graced the screen in some time.

Not since "Holiday" has Miss Harding been accorded such a genuine, sincere and meaty role. She handles it with feeling and telling effect.

The story concerns a girl courageous. Her fiance, killed in a take-off on a trans-Atlantic flight, forces her to have her child adopted. Her attachments to three men, her business success, her yearning and quest for her baby boy, and her final break for happiness are meager highlights of an absorbing plot.

Charged with quiet power, suffused with poignant pathos, the picture reveals dramatic heartbreak in a touching and tender mood. Sigh and sob are broken by smiles and laughs. Ann Harding softly etches a portrait that engraves itself on one's memory.

Clive Brook, as a social outcast, elevates human frailty superbly. Tullio Carminati is gay, Otto Kruger is dependable, and both give quality performances as the two other men in Ann Harding's life. Janet Beecher, rich in stage experience, turns in a warm, competent and sincere portrayal. Dickie Moore is a lovable, regular fellow. Betty Lawford, as the female menace, handles a tough job nicely.

Gregory La Cava's direction, keeping the human values well in front at all times, is expert in all departments. Sam Mintz's screen play is a model of craftsmanship.

"Gallant Lady" explores the heartaches and gropings of real people. Its soft symphony reaches the hidden springs of emotions and plays wholesome music on the heartstrings.

Appealing to all classes, "Gallant Lady" may well be considered outstanding, should do standout business where Ann Harding's name pulls and should rejuvenate her popularity elsewhere.

with UNITED ARTISTS EXPLOITATION!

Say New Para. Plan Returns 98% of Cost

(Continued from page 1)

cently created corporation which is wholly owned by Paramount Publix.

Lloyd Laporte, of counsel for the Paramount Publix trustees in bankruptcy, reported at the hearing that all but $1,200,000 of the total claims filed against Publix Enterprises represented inter-company obligations of the bankrupt originally, and that this amount had been further reduced either by the claims not being allowed by the referee or by purchase by Paramount Publix subsidiaries. Total outside claims allowed against Publix Enterprises do not exceed $143,000 at present, Laporte said. Total claims originally filed against the bankrupt aggregated $13,381,333. Three of the largest claims, aggregating over $7,000,000, were compromised for $3,126,129. These were the claims of Publix Theatres Corp., Paramount Publix and Commercial Investment Trust, Inc., and U. S. & Foreign Securities Corp.

Laporte stated that the purchase price offered by Famous Theatres would permit a settlement of all creditors' claims allowed against Publix Enterprises on the basis of 35 cents on the dollar in five-year five per cent notes of the new corporation. Creditors also will be offered an alternative settlement of one share of preferred stock in Famous Theatres Corp. for each $200 of valid claims, or an equivalent of 50 cents on the dollar if the par value of the new company's preferred is considered to be $100.

Delay Is Refused

Counsel for the Citizens' National Trust and Savings Bank of Los Angeles, a Paramount Publix creditor in the amount of more than $800,000, asked for an adjournment of the meeting to approve the reorganization plan on the grounds that the referee's notice of the meeting gave insufficient details of the plan and not enough time had been given for study of the plan itself. Referee Davis refused to grant an adjournment when Laporte declared that immediate action on the plan was necessary. Famous Theatres' offer expires Saturday. The Los Angeles bank's attorney stated that while he had been instructed to request the adjournment he believed the reorganization plan to be "a good one" after being told by Laporte that "between 97 and 98 per cent of the money involved in the transaction would be returned to the Paramount estate and the control of its trustees in bankruptcy."

Under the reorganization plan, Famous Theatres will pay $240,000 of the purchase price in cash, out of which the expenses of the bankruptcy administration of Publix Enterprises will be paid. Payment of the balance of the purchase price will be adjusted on the basis of the claims of Paramount Publix and its subsidiaries against Publix Enterprises, which will be settled either at the rate of 35 cents on the dollar in the five-year notes or by accepting a share of Famous Theatres' preferred for each $200 of approved claims.

The Famous Theatres' offer is to be submitted to Referee Davis for approval today. If approved, it will wind up the affairs of Publix Enterprises except for the contesting of creditors' claims against the estate which have not been settled yet. Irving Trust Co. continues as trustee for Publix Enterprises until such claims have been disposed of, at which time the theatre company will be discharged formally from bankruptcy.

Laporte stated yesterday that there were originally 356 theatres in the Publix Enterprises holdings, but that the number had been reduced to 214 either by the bankruptcy or receivership of the subsidiary companies operating them or by disposing of them outright. He described the estate as of importance to Paramount as a film outlet and as a debtor.

1934 Looks O. K. to Clark; Idolatry Futile: Comerford

By JOHN D. CLARK

(Continued from page 1)

good product and the production plans now being made for the new year include more pictures of outstanding merit than ever before considered in advance of a new season. There can be no halfway measures.

We must have good pictures.

By M. E. COMERFORD

(Continued from page 1)

have very definite divisions and we know, or think we know, what the province of each happens to be. Of course, there must be a falling off in business when the general economic situation is below par. There should also be a substantial increase when affairs as a whole become better. But we should not be subject to violent conclusions when there is no real cause for the same.

We should calmly, but deliberately, take hold of our business and after a very searching analysis find out exactly what to do about it, and then do it. In Japan, they tell me, the people worship their ancestors on the basis that having entered Heaven they are like God. But in our business we idolize living persons whom we know cannot possibly bear any resemblance to God. We worship so-called leaders, and our minds seem to be so surcharged with this personal idolatry at times that we are in no position to make honest calculations. Let us smash the idols and deal with mere men and women. Take nothing for granted, but follow business truth wherever it may lead. We can reconstruct this business sensibly and conduct it along honest and equitable lines. Where any man or group stand in the way of equity or the square deal, push them aside.

Let us make 1934 a year of real accomplishments along that line.

General Service to Enlarge 2 Studios

HOLLYWOOD, Dec. 20.—General Service Studios, owning the Metropolitan and Educational plants, begin work the first of the year on the erection of five new sound stages at an estimated cost of $1,250,000. In addition, there will be three sound channels with accessories costing $125,000.

Dr. E. M. Honan, former sound director for the Bell Laboratories and Erpi sound director, is here supervising the work.

Harold Lloyd is to move into the enlarged plant. A new bungalow is being built for him.

This is believed to confirm reports that Erpi is going into the picture business in a big way and is seeking responsible independents for the purpose of financing them.

Mrs. Ibold Passes

DENVER, Dec. 20.—Mrs. Bertha E. Ibold, wife of Walter E. Ibold, manager of the Comet, died at their home here. Her brother, C. W. Kelly of Greeley, owner of the Park, was too ill to attend the funeral, which was held in Denver.

Lynch to Stay in New Para. Setups

(Continued from page 1)

as an officer and director of Famous Theatres Corp., wholly owned subsidiary recently created to buy up the assets of the bankrupt Publix Enterprises.

Lynch's compensation for his present theatre reorganization services calls for delivery to him of a $50,000 one-year note and 2,500 shares of preferred stock of Famous Theatres Corp., it was stated yesterday at a hearing before Referee Henry K. Davis. The compensation was fixed by agreement between Lynch and the Paramount Publix trustees. The agreement also provides that in the event the settlement is not approved by the referee, Lynch can rescind a compromise settlement of claims which he has filed against the bankrupt estate.

The Publix Enterprises estate is the former Southern Enterprises which Paramount acquired from Lynch several years ago. Under the reorganization plan which comes before Referee Davis for final approval today, the estate will be acquired by Famous Theatres of which Y. Frank Freeman, former general manager of Lynch's Southern Enterprises, is president.

Coast Men Discuss Star Broadcast Row

HOLLYWOOD, Dec. 20.—Means of combatting exhibitors' squawks against radio broadcasts by screen talent on the ground that it is theatre competition have been discussed by publicity directors at the Hays office, but nothing has been done.

It was agreed that the matter would have to be settled by home offices.

Garbo Opening Ahead

Originally scheduled for the Astor on Dec. 27, "Queen Christina," Greta Garbo's latest, will open at the same house on Tuesday, Dec. 26.

Sheehan Again In Command Of Fox Films

(Continued from page 1)

production activity will clear over his desk once again.

The centralization of authority in Sheehan may have a bearing on the three important musicals which currently are on the Fox schedule in view of general Hollywood opinion that this cycle already has been well covered and exploited. The proposed musicals are "Fox Movietone Follies," "George White's Scandals" and "Bottoms Up" which Buddy De Sylva is slated to produce. Of late, Sheehan has been confining his activities to production of a limited number of the more important releases on the studio schedule.

Kent left for the East tonight where he arrives in time to spend the Christmas holidays with his family.

"I believe we are going to return to an era of honest stories dealing with human emotions and interests. Above all, clean stories with wholesome humor will find favor with the public. The cynical sophisticated screen play, whose characters are unreal, synthetic sinners is passé," Sheehan thinks.

"The public's taste turns to the real problems and actual struggles of regular people who live clean lives.

"It is the great mission of motion pictures to take the lead in this campaign. Literature and the stage have given themselves over to decadence; the screen must begin the renaissance in clean entertainment for the whole family.

"Musicals with a good story, catchy music and interesting personalities, will make money. But a hackneyed narrative with poor music and cast lacking in talent will 'flop.' The world's political unrest demands a reaction in its entertainment to optimism, comedy and wit.

"The coming year will produce a new crop of personalities. Young actors and actresses, recruited from all over the world, have been tested, coached, tried out and developed to a point where they are ready for presentation to the public in featured parts. Not all will make the grade, but from this group our future and increasingly talented stars will emerge."

HOLLYWOOD, Dec. 20.—Fox has signed Ray Long, former editor of *Cosmopolitan*, and Frederick L. Collins, former editor of *McClure's*, as a team with a roving commission to contact authors and other sources of story material in cooperation with the studio and home office. They start immediately.

HOLLYWOOD, Dec. 20.—S. R. Kent has approved Clyde Elliott's Asiatic jungle film titled "Devil's Tiger," which is to be released shortly by Fox.

Delay Advertising Meet

Originally scheduled for this week, the meeting between advertising representatives of independent companies and J. J. McCarthy of the Hays office has been postponed until late next week.

Greeted With

APPLAUSE

EASTMAN Background Negative is winning wide acclaim among the many producers and cameramen who have already discovered its possibilities. Its remarkably fine grain meets the prime requirement of background shots that are to be projected and rephotographed. Other qualities . . . particularly a surprising degree of speed . . . give it a potential versatility that may well lead to finer photography in other directions. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN

Background Negative

"Sitting" Is $11,500 High In Cleveland

CLEVELAND, Dec. 20.—Zero weather the early part of the week, combined with the beginning of the holiday slump, hit theatres hard. "Sitting Pretty," at Loew's State, was the only first run to go over the top, doing about $11,500. "Hoopla," at the Warner Hippodrome, held its own, while others slumped. The six-day bicycle race proved heavy competition.

Total first run business was $41,950. Average is $42,500.

Estimated takings for the week ending Dec. 15:

"TAKE A CHANCE" (Radio)
ALLEN—(3,300), 20c-30c, 30c-40c, 7 days. **Gross:** $2,750. (Average, $3,000.)

"HOOPLA" (Fox)
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $5,000. (Average, $5,000.)

"OLSEN'S BIG MOMENT" (Fox)
WARNERS LAKE—(800), 25c-35c, 7 days **Gross:** $1,900. (Average, $2,500.)

"MAN'S CASTLE" (Columbia)
RKO PALACE—(3,100), 30c-40c-60c-75c, 7 days. Stage: "Strike Me Pink" with James Barton. **Gross:** $17,000. (Average, $18,000.)

"SITTING PRETTY" (Para.)
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $11,500. (Average, $10,000.)

"CRADLE SONG" (Para.)
"TO THE LAST MAN" (Para.)
STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,800. (Average, $4,000.)

"If I Were Free" Indianapolis Lead

INDIANAPOLIS, Dec. 20.—Theatre business was very bad last week with all houses going below average. "If I Were Free," with Thurston on the stage of the Indiana, was good for only $7,000, below average by $1,000, but the best business in town.

Estimated takings for the week ending Dec. 16:

"JIMMIE AND SALLY" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500.)

"LITTLE WOMEN" (Radio)
CIRCLE—(2,400), 25c-40c, 2nd week. **Gross:** $3,000. (Average, $3,500.)

"IF I WERE FREE" (Radio)
INDIANA—(3,100), 25c-40c, 7 days. Stage show. **Gross:** $7,000. (Average, $8,000.)

"LAUGHING AT LIFE" (Fox)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $6,000.)

"WOMEN IN HIS LIFE" (M-G-M)
PALACE—(2,600), 25c-40c, 7 days. **Gross:** $3,800. (Average, $4,500.)

Levin New Chairman

Jack Levin, director of operations of the Copyright Protection Bureau, last night was installed as chairman of the board of trustees of the Simon Cohen Memorial Foundation, a Masonic organization devoted to charitable ventures.

RCA Withdraws Sound

HOLLYWOOD Dec. 20.—RCA is said to have ended use of its sound channels by Educational and Mack Sennett on the ground that the former is an Erpi affiliate and the latter is bankrupt.

The Indiana Reopening

INDIANAPOLIS, Dec. 20.—The Indiana Monarch house, which closed last Friday reopens Dec. 24 minus stage shows.

"Yesterday," Show, Denver Hit, $11,000

DENVER, Dec. 20.—"Only Yesterday" at the Orpheum, with a stage show, pulled strong all week and topped the town with $11,000. Holdouts were the rule on Saturday and Sunday, with crowds strong the rest of the time.

"The Way to Love" and "Invisible Man" ran the Denham and Aladdin above average, while "The World Changes" never got started and turned in only a 50 per cent week at the Denver. "Dancing Lady" started the Paramount off in nice shape.

Total first run business was $29,500. Average is $30,500.

Estimated takings for the week ending Dec. 14:

"INVISIBLE MAN" (Univ.)
ALADDIN—(1,500), 25c-40c-50c, 7 days. **Gross:** $4,500. (Average, $3,500.)

"THE WAY TO LOVE" (Para.)
DENHAM—(1,500), 25c-30c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $7,500.)

"THE WORLD CHANGES" (F. N.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $6,000.)

"ONLY YESTERDAY" (Univ.)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show. **Gross:** $11,000. (Average, $10,000.)

"DANCING LADY" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $1,650.

"JIMMY AND SALLY" (Fox)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,350. (Average for week, $3,500.)

Programmers About Finished—DeMille

Contending program pictures are approaching finis and that the unit system is the plan which would eliminate cycles and result in quality product, Cecil B. DeMille yesterday declared there are too many pictures produced every year. He said the only reason so many films were being turned out was to keep open the small theatres.

The producer hit mass production, stating one man cannot read 52 stories a year and realize their true merits. Neither can one person turn out one film a week, he added. The solution is for a director to make about three a year and a producer about six. He sees the unit idea gaining a foothold in the studios again and expects every plant to be working under this system shortly. He also said this plan would eliminate cycles because of individuality of ideas.

DeMille is against overplaying sex and said the subject should be given no more attention in films than one does ordinarily in real life. He urged variety of ideas in stories and limited output by every studio.

He said he had not read the code as yet and was in no position to discuss any of its clauses. He has just completed "Four Frightened People" and leaves for the coast today to start "Cleopatra." DeMille plans to make three a year, one of which would be made on a small production scale.

Stanley Gets Refund

WASHINGTON, Dec. 20.—Overassessments aggregating $74,103 for 1924 to 1928, inclusive, have been credited to the Stanley Co. of America.

Censors Seek Jobs

Hollywood, Dec. 20.—Now that the censoring of all photographic stills has been centralized, applications have been pouring into the Hays office for jobs. One letter stated references could be had from Canon Chase. Another stated he was at one time Anthony Comstock's right hand bower.

Hutchinson Tells Of English Buying

Walter J. Hutchinson, English representative for Fox, is quoted in Will Rogers' column in the *Times* as saying that the English "just stocked up on our securities during all these low prices."

Rogers continues: "There is a real weather vane. There is nothing with his feet on the ground (and so much of 'em) as an old conservative Englishman. He sees further than our rich men. That's why they are coming out of their mess ahead of us.

"Another thing, too, the fellow sitting off looking at you can tell better how you are doing and what your prospects are than you can yourself.

"Hutchinson says England looks on us as a bad boy who has been out on a toot but will sober up, change some of his ways and be a better boy for it."

Hutchinson is eastbound by train and will spend two weeks in New York before leaving for London.

Audio Prod. Series High Class, Restful

Audio Prod., Inc., Tuesday screened the first five of its "Musical Moods" series of which there will be 13 for distribution probably through one of the major distributors, although no deal has been set as yet.

The subjects, ranging from three and one-half minutes to nine, were "By the Waters of the Minnetonka," "Dance of the Hours," "Ave Maria," "Waltz in A Flat Minor" and "Hula Moon," and were very well-handled.

Designed to emphasize the place of music in the theatre and conceived with that objective in mind, these subjects went pictorial in order to keep the eye from wandering, although the ear listened to orchestral and organ music and accomplished their purpose thereby.

The series is high-class, restful and deserves a break. Detailed reviews will appear later in MOTION PICTURE DAILY.

Warner Calls for Variety

HOLLYWOOD, Dec. 20.—Variety of theme and treatment is held essential to the success of production by J. L. Warner, vice-president in charge of production for Warners.

Becomes Center Dec. 22

The RKO Roxy officially adopts its new name, RKO Center, tomorrow, thereby giving the Original Roxy exclusive use of the title.

Barrymore Signed

HOLLYWOOD, Dec. 20.—John Barrymore has been signed by Columbia to star in "Twentieth Century."

Theatres in Germany Gain, Reports Show

WASHINGTON, Dec. 20.—German theatres have begun to recover from the extreme low point reached in July when the transition of the industry under the new Hitler government was in progress, according to reports from Trade Commissioner George R. Canty in Berlin to the Motion Picture Section of the Bureau of Foreign and Domestic Commerce.

The decline in 28 of the larger German cities, according to the reports had been in progress for two years up to and including July and the tendency had been to patronize the cheaper seats. About 42 per cent of all patrons buy seats selling for about 22 cents.

During the July-September quarter in the smaller cities with populations approximating 20,000 the seats most favored now cost from 24 to 32 cents, but in the medium sized and large cities the cheapest seats have the call.

"Results for the first nine months of 1933 indicate that the German cinema situation has passed its low ebb," the Canty report states, "and that a favorable upward trend affecting attendance, gross receipts, and the average price of admissions, as compared with last year, is apparent. In view of the world depression, this is held a good sign of improved conditions in Germany."

Three Kansas Houses Dark in Sunday Row

MANHATTAN, Kan., Dec. 20.—This city's three theatres have gone dark in protest against city officials' opposition to Sunday shows and will remain closed, the owners say, until Sunday showings are permitted.

In a special election on the issue recently Sunday films lost by 400 votes. Managers insist they are losing heavy patronage to surrounding towns which are permitted to open.

Austria Bans M-G-M Because of 'Reunion'

VIENNA, Dec. 20.—The Austrian government today declared a ban on all M-G-M films until "Reunion in Vienna" is withdrawn from exhibition throughout the world. It is charged the role of the prince played by John Barrymore is a slur upon the House of Hapsburg.

Radio to Hold Howard

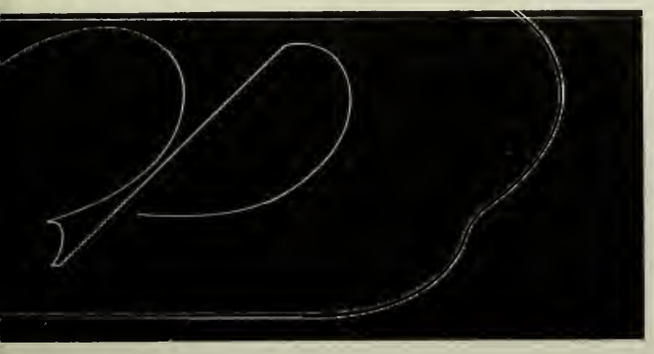
HOLLYWOOD, Dec. 20.—Warners' overtures to Radio to get Leslie Howard to make "British Agent" before he does "Human Bondage" for Radio have fallen through. Radio is holding Howard to the terms of his contract calling for a start on Jan. 5.

Midwest Loss $19,486

RKO Midwest Corp., operating RKO houses in Cincinnati and Ohio and controlled by RKO, reports a loss of $19,486 for the three months ending March 31. The company's loss for 1932 was $41,545 as against a net income of $285,745 in 1931.

QUALITY

AT HIGH SPEED



MOTION PICTURE HERALD IS A FULL-GROWN PUBLICATION PRINTED IN NEVER LESS THAN TWO COLORS, AND OFTEN MANY MORE, SERVING THE MOTION PICTURE INDUSTRY WITH A QUALITY MAGAZINE DELIVERED AT NEWSPAPER SPEED. . . THE MERCHANDISING IDEA CONCEIVED ON WEDNESDAY MORNING CAN BE DELIVERED IN THE PAGES OF MOTION PICTURE HERALD ON BROADWAY THURSDAY AFTERNOON. . . AND BY SATURDAY IT HAS REACHED EVERY IMPORTANT CUSTOMER EAST OF A LINE DRAWN DOWN THE MAP WEST OF MINNEAPOLIS. . . BY MONDAY MORNING THE MOST REMOTELY LOCATED SUBSCRIBER HAS THE BOOK. . . IN THIS BUSINESS WHERE PLAYDATES FLOW BY LIKE MIGRATING BIRDS, BOTH THE BUYER AND THE SELLER MUST SHOOT FROM THE HIP. IT IS AN INDUSTRY WHERE, IF YOU HAVE TO "STOP TO THINK," YOU HAD BETTER NOT THINK— BECAUSE THE TRAIN HAS GONE! EFFECTIVE THINKING IS DONE ON THE RUN. SPEED IS THE ESSENCE OF THE JOB AS THE DAYS RACE BY. . MOTION PICTURE HERALD, QUALITY MEDIUM OF THE INDUSTRY, IS GEARED TO THAT SPEED, BUILT AND MANNED TO KEEP THE PACE WITHOUT EFFORT.

MOTION PICTURE
HERALD

Expect Early Start by All Code Boards

(Continued from page 1)

day. The chairman of the following meetings will be elected at the previous sessions. Kent was named head man for the Jan. 4 meeting, place undecided as yet but which will probably be set before the next gathering by a committee composed of O'Reilly, H. M. Warner and R. H. Cochrane. Headquarters in all probability will be in Rockefeller Center.

Bareford Acts as Secretary

Harold Bareford, counsel for Warners, acted as temporary secretary and spokesman at yesterday's session. A technical error in the printing of the code was corrected. On Page 247, Section 4, the words Section 1 were changed to Section 2.

The session was called to order at 2:10 P. M. and adjourned at 4:50 P. M. More than one hour and a half was given over to the discussion of a permanent chairman. Major representatives suggested John C. Flinn, as exclusively mentioned in MOTION PICTURE DAILY yesterday, with independent representatives protesting. It was finally decided to let a committee consisting of Nicholas M. Schenck, Nathan Yamins and George J. Schaefer handle the matter. Their decision will be unanimous before being submitted to Code Authority.

When asked whether other names had been submitted for the post, Bareford refused to comment. Rosenblatt referred all questions on the subject to the official spokesman, but it is understood no other name came up from either major or independent men.

Eddie Cantor, one of the two actors' representatives, attended. He arrived 10 minutes after the session had started and did not have a vote in the proceedings, since no problems relating to talent were on the tapis. Whether Cantor was invited was a mystery and Bareford would not comment other than to say he was a member of Code Authority and had a right to sit in. Marie Dressler was detained in Hollywood. W. C. Michel, vice-president of Fox, acted as alternate for Kent.

Other Committees Named

Other committees appointed were as follows:

Rules of Code Authority:—Johnston, M. H. Aylesworth and Ed Kuykendall.

Methods of financing Code Authority:—Kent, Warner, O'Reilly and Yamins.

Group to secure signatures of assent of code:—J. Robert Rubin, Kuykendall and Yamins.

How often the meetings would take place was not discussed. Neither was the absence of A. Lawrence Lowell, first appointee by President Roosevelt. Whether the next meeting would find the press invited did not come up, but it is understood that newspapermen will be barred, as they were yesterday.

Attending the conclave were Rosenblatt, Schenck, Rubin, who will act as alternate for Schenck, Warner, Cochrane, Aylesworth, Schaefer, Michel, Johnston, Kuykendall, Bareford, Yamins, Cantor and O'Reilly.

Anthony Muto, who has been representing the Hays office in Washington, visited the Bar Association Bldg. yesterday, but did not attend the closed conference.

Rosenblatt left for Washington immediately after the meeting. Kuykendall returns to Columbus, Miss., today and Yamins plans to stay in town for several days.

Nizer Analyzes Code For Selling Staffs

About 250 home office executives, branch managers and personnel of local exchanges yesterday attended a meeting at the Edison Hotel, where Louis Nizer, secretary of the Film Board, gave an analysis of the various sections of the code, including those clauses dealing with cancellations, grievance and zoning and clearance boards, premiums, two-for-one admissions, the advertising section as it applies to subsequent runs, labor, selective contracts and shorts and features.

At 5:45 it was decided to adjourn and hold another meeting to complete the analysis some time next week.

Writers Lack 16 in Vote on Their Code

HOLLYWOOD, Dec. 20.—The Writers' Guild lacks 16 votes of the two-thirds necessary to ratify the new code of ethics.

Clause 12 limits the right of a member to sign a new long term contract, Clause 13 covers the Guild board's ability to declare a producer unfair and to prevent members working for him while the case is being heard, and Clause 14 requires all members to file copies of their contracts with the secretary.

Other clauses cover relations between producers and free-lance writers and create rules concerning work with non-Guild members.

Lowell Resignation Hanging in the Air

(Continued from page 1)

stated he hadn't heard either way and that the matter is now in the hands of Administrator Hugh S. Johnson.

Lowell was not present at the first session of Code Authority. Rosenblatt said he didn't know whether Lowell would attend the next session on Jan. 4.

Switch Delaware Session

HARRINGTON, Del., Dec. 20.—The Independent M. P. Theatre Owners' Ass'n of Delaware and the Eastern Shore of Maryland will meet here tomorrow instead of at Federalsburg or Salisbury, Md., as was originally planned, to act on the code.

All Can Nominate

Nominations for appointments on the various clearance and zoning and grievance boards can be made by any one in the industry, it was revealed yesterday. Names must be sent to the special committee appointed to select the boards. The deadline is Jan. 4.

Denver Men Refuse Code Endorsement

(Continued from page 1)

Huffman, president, heads this committee.

Sections of the code which members feel work hardships on exhibitors or cannot be put into effect were discussed at length. Some members thought the code too severe on exhibitors in certain sections, but refused to discuss details. No record vote of the vote was made, as it was practically unanimous. Many members expressed a desire to cooperate.

Resolutions were adopted condemning Erpi's service charges as too high Taxes on admissions by legislatures and Congress were condemned and the latter was called upon to repeal the present amusement tax.

Most of the two-day session was given over to code discussions, especially those sections covering rebates, prices and cut rate admissions.

Most of the officers were reelected. The list follows: President, Harry E. Huffman; first vice-president, Joe E. Dekker; second vice-president, E. J. Schulte; treasurer, Gus Kohn; secretary and counsel, Emmett Thurmon; directors, Huffman, Dekker, Mrs. Lee Mote, L. J. Finske, Buzz Briggs, Everett Cole, Schulte, Harold E. Rice, Nathan Salmon, Thomas Murphy, Kohn.

Names of 20 men were wired to the Code Authority in New York as nominees for zoning, clearance and grievance boards.

Indiana Exhibitors Do Not Act on Code

INDIANAPOLIS, Dec. 20.—Associated Theatre Owners of Indiana adjourned their annual meeting here without taking action on the code. Plans were discussed, however, for holding a regional meeting of exhibitors to get their reactions on clearance, zoning and admission prices.

Officers elected were: President, S. W. Neal, Kokomo; vice-President, Earl Cunningham, Indianapolis; treasurer, Harry Markun, Indianapolis; secretary, Mrs. Helen Keeler, Indianapolis; attorney and general manager, Charles R. Metzger, Indianapolis; directors, V. U. Young, Gary; Roy Harold, Rushville; W. F. Easley, Greenburg; A. E. Bennett, Muncie; E. L. Miller, Brazil; Oscar Fine, Evansville; James Fushanes, South Bend; R. F. Scherer, Linton; H. F. Vonderschmitt, Bloomington; Frank Carey, Lebanon; Maurice Rubin, Michigan City; Ross Garver, Terre Haute; Alex Manta, Indiana Harbor; R. R. Bair, Indianapolis; A. C. Zaring, Indianapolis, and L. B. Goulden, Indianapolis.

Yamins States N. E. To Act by Jan. 10

Action on the code will be taken by Independent Exhibitors of New England before Jan. 10, Nathan Yamins, president of the unit, stated yesterday. He will call a meeting of about 200 members early next month for discussion of the various clauses.

Last Monday the unit heard Abram F. Myers give an analysis of the code in Boston. It is expected that the members will approve it. Yamins is a member of Code Authority and attended the first meeting yesterday.

Theatre Help Union to Ask Wage Raises

Collective bargaining to obtain an increase in the minimum wage scale prescribed in the code for ushers, doormen, janitors, ticket takers and cashiers will be sought early in January by Local 118, Building Service Employes' Union, the newly organized New York local representing those classifications of theatre employes, it was learned yesterday.

The move to obtain wage increases for members of the local is being hastened by New York circuits' action in reducing wages of the employes concerned to the minimums prescribed in the code. Since the signing of the code by the President, the $15 minimum wage in effect under the President's voluntary reemployment agreement has been superseded by the code scales calling for a minimum wage of 25 cents per hour for ushers and 35 cents per hour for the other classifications.

Loew's, Skouras, RKO, Frisch & Rinzler and other circuits have reduced ushers' wages to $10 per week and those of the other classifications to $14 since the signing of the code, it was ascertained yesterday.

The membership of the new local, reputed to exceed 10,000 in Greater New York, will meet the first week in January to map new wage scales which will be used as the basis for collective bargaining with circuit heads later in the month, a representative of Local 118 said yesterday.

Executive Council Not to Affect NRA

WASHINGTON, Dec. 20.—Consolidation under the National Executive Council of the Roper recovery and other boards will have little or no effect upon General Hugh S. Johnson or operations of the National Recovery Administration.

The transfer of these boards to the executive council, it was explained today, will merely prevent duplication and overlapping of effort. The membership of the Roper recovery board, the Public Works Board and the executive council is practically the same, it was said, and the change was suggested when it was found that the members of the Roper board would meet to discuss certain subjects and then would find themselves in session as the executive council in consideration of the same matters.

So far as the work of the Recovery Administration is concerned, there will be no change, for some time to come, at least. The merging of the several recovery organizations under the council will become effective Jan. 16.

Maryland Protests Non-Theatre Shows

BALTIMORE, Dec. 20.—The M.P.T.O. has filed a protest with Deputy Administrator Sol A. Rosenblatt against M-G-M and Fox for the alleged serving of non-theatrical accounts in neighborhoods where theatres are located.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 146 NEW YORK, FRIDAY, DECEMBER 22, 1933 TEN CENTS

Employment At '29 Level, Reports Hays

Tells Ampa—Appeal on Film Daily Drive

Expressing his confidence in the future of the industry, Will H. Hays told 1,000 men and women employed in the industry at the Ampa's Christmas luncheon at the Astor yesterday employment in the business had returned to its 1929 level, which he gave as 300,000.

The luncheon, punctuated by several numbers from Tommy McLaughlin and Little Jack Little, radio singers, and Mario Chamlee of the Metropolitan Opera as well as by music by

(*Continued on page 7*)

MPPA Worried Over Increased Negatives

HOLLYWOOD, Dec. 21.—The I.M.P.P.A. met yesterday to discuss the code. The meeting was productive of a gloomy outlook for the future with the prospect of added production costs. It was regarded as problematical that exhibitors could be made to meet the increase when they were charged with having beaten independent playdates "down to the bone" even before the code.

Majestic to Produce Own Films: Gluckman

Majestic is definitely set to continue producing its own pictures in addition to distributing nationally through its franchise holders, Herman Gluckman, president, said yesterday.

(*Continued on page 7*)

Major Product Only From Goldstone Now

HOLLYWOOD, Dec. 21.—After 15 years, Phil Goldstone is retiring from the independent field to confine his activities to films in the higher

(*Continued on page 8*)

Mental Cross-Section

Hollywood, Dec. 21.—What does a fan dancer think of while the fans rise and fall?

Sally Rand's favorite line of conversation while doing her own dance is this:

"Now you do, now you don't."

Publix Sale To New Unit Wins Consent

Famous Theatre Corp. Gets 214 Houses

Famous Theatres Corp. replaced Publix Enterprises, Inc., as an important integral part of Paramount Publix yesterday when it acquired the assets of Publix Enterprises, consisting of 214 theatres in various sections of the country, for $1,800,000. Approval of the sale was given by Referee Henry K. Davis when no other offer to purchase all or part of the Publix Enterprises' assets was received. A recent Federal Court appraisal of the properties involved placed their value at slightly in excess of $2,000,000.

Purchase of the assets by Famous Theatres completes the reorganization of Publix Enterprises, which

(*Continued on page 6*)

Michalove in New Paramount Company

Dan Michalove, former Warner executive, who was called in as assistant to the Irving Trust Co., trustee in bankruptcy for Publix Enterprises as an advisor on theatre leases held by the bankrupt, will also con-

(*Continued on page 6*)

Disappointment

Boris Morros is experiencing his biggest thrill in years—15 years, to be exact. His father, Michael, is in New York from Russia and Boris hasn't seen him for a decade and a half.

Coming up from the pier, fils showed pere the clock atop of the Paramount Building and remarked he was in charge of the big theatre.

"Your brother is director of the Moscow Opera. Another is a bank director; a third is in charge of the Soviet gold mines and a fourth is a professor. And all you do is manage a theatre," was the elder Morros' judgment on the son.

Story Board Will Work with Sheehan

HOLLYWOOD, Dec. 21.—Coincident with the return of Winfield Sheehan to his old command on the Fox lot, a centralized story board of control has been set up.

Prior to his departure for New

(*Continued on page 6*)

Lloyd May Transfer Distribution to Fox

HOLLYWOOD, Dec. 21.—Several deals are in the air for a new distribution arrangement with Harold Lloyd, with

(*Continued on page 6*)

Predicts New Sound Era; Certain on Trade Abroad

By JOHN E. OTTERSON
President, Erpi

No one fact stands out more clearly through this business depression than that the most important single factor in the prosperity of the industry is the quality of talking pictures. In this we conceive the quality of sound to be of major importance and it is to the improvement in the quality of sound that

(*Continued on page 2*)

By JOHN W. HICKS, Jr.
Vice-Pres., Paramount International

What 1934 holds for the American film industry abroad is a continuation of that grand old axiom: "There's always good business for good motion pictures."

There always has been a power of truth in this motto, especially during the past few years when the needs of the film world

(*Continued on page 2*)

Code Groups To Get Busy Next Week

Six Committees to Ready Plans Before Jan. 4

Committees of the Code Authority, appointed at the first session held Wednesday, will begin functioning next week, when members of the six committees are expected to hold sessions and work out plans for rules of Code Authority, methods of financing, selection of a permanent secretary, securing signatures for approval of the code and location for permanent headquarters.

S. R. Kent, who was appointed to the committee on methods of financing Code Authority and also to the committee to receive recommendations for posts on local clearance and zoning and grievance boards, returns from Hollywood Sunday. Ed Kuykendall, a member of committees

(*Continued on page 7*)

Lowell Turns Down Post on Authority

Dr. A. Lawrence Lowell has offered his resignation as a member of the Code Authority, it was learned yesterday. The educator's action, foretold exclusively in MOTION PICTURE DAILY of Tuesday, is said to be motivated primarily by the fact that as a government member he has no voting power on the Authority.

Dr. Lowell has been asked to reconsider and it is understood he is

(*Continued on page 7*)

Signature Forms to Be Ready in 10 Days

Printed forms for signatures approving the code will be off the presses in about a week and mailed by Division Administrator Sol A. Rosenblatt to all interests identified with the business in 10 days. All approvals must reach Washington by Jan. 10, deadline set for those wishing to become a party to the law.

No Paper Monday

Christmas being Monday, *Motion Picture Daily*, therefore, will not publish on that day.

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Milwaukee 1st Run Goes to Weisfeldt

MILWAUKEE, Dec. 21.—E. J. Weisfeldt, formerly with the Wisconsin here as stage production manager. is back to take over management of the Riverside for the newly incorporated Riverside Theatre Operating Co., incorporators of which are Thomas E. Allen, Robert F. Marty and Walter J. Mattison. The Riverside, operated since July 1 by A. J. Cooper, goes dark Dec. 25 and will reopen Dec. 30 under new management with a combination stage and picture policy. Weisfeldt has been connected with Publix in Detroit. Dave Miller's band will remain.

Reunion for "Vienna"

Differences over portions of "Reunion in Vienna" with the Austrian government have been ironed out to the satisfaction of all. Mort Spring, assistant to Arthur Loew, foreign head of M-G-M, stated yesterday. Spring said there was a misunderstanding that has since been adjusted.

Bachmann in Town

J. G. Bachmann, president of Preferred Pictures, is in town from Hollywood and plans to be here several weeks. While in New York he will appoint a successor to the late J. H. Goldberg, who was general sales manager.

Trade Showings Changed

A change of dates has been made in the national trade showings of "Gallant Lady" and "Moulin Rouge" by United Artists. The first will be previewed Jan. 3, the other Jan. 9.

Predicts New Sound Era; Certain on Trade Abroad

By JOHN E. OTTERSON

(*Continued from page 1*)

we shall continue to address our efforts.

In spite of the very substantial advances in sound recording and reproduction that have been made in the last year, I predict that even more important and significant improvements are in prospect and soon to be realized. In this improvement the industry will have an asset of substantial value in its effort to improve the quality of talking pictures.

By JOHN W. HICKS, Jr.

(*Continued from page 1*)

at large have been so expertly studied from the production department angle; and in this highly eventful year immediately ahead of us I am sure that we will have our rightful quota of internationally-appealing films with which to continue, in all countries, the axiom that "There's always good business for good pictures."

Cleveland Exhibitors Re-elect Schwartz

CLEVELAND, Dec. 21. — The Cleveland M. P. Exhibitors' Ass'n today unanimously re-elected Ernest Schwartz president, Albert E. Ptak vice-president, and John Kalafat treasurer, G. W. Erdmann, secretary, was elected to fill the expired terms on the directorship of Meyer Fischer, Morris Berkowitz and M. B. Horwitz.

Small exhibitors met to list the number of films they used and to estimate the cash value of their business. They plan to present this figure to distributors to show they are entitled to earlier availability as against so-called unfair independent circuit protection. This group might work out a combined buying plan, but it is financially able to form a separate organization. These exhibitors include D. L. Schumann of the Marvel; Sam Deutsch, Sun; Sam Barck, Market Square; Kaplan Brothers, Arion, Superior and Crown; Frank Gross, Cedar, and H. Smith, Ridge.

"Brighter Days"

By JACK MILLER
President, Exhibitors' Ass'n of Chicago

Chicago, Dec. 21. — "Now that the industry has finally approved the code and will have a tribunal before which to adjust its differences, I see brighter days for the future of this business under the 'New Deal.'"

Dailies Institute Advertising Check

KANSAS CITY, Dec. 21.—Local dailies are taking cognizance of the movement to clean up advertising copy and art recently launched by the Hays office and have instituted censorship.

While theatre managers have received instructions on objectionable copy from their advertising departments, at the same time they feel that certain pictures offer only the sex angle for box-office appeal. The newspapers, however, have become highly critical of copy and in at least two recent instances managers have been compelled to rewrite their ads following rejection.

While *The Star* is content to keep the matter a secret from its readers, the *Journal-Post* has discussed theatre copy in its columns, and in one case, went so far as to criticize what it considered an objectionable blurb on a first-run's marquee.

Stage presentations come within the purview of the newspaper's censors. Where the managers feel there will be some doubt, they submit copy and art as early as a month in advance.

Dietz West Sunday

Howard Dietz shoves off for Hollywood Sunday on general M-G-M business and the specific business of taking a look at "Hollywood Party" on which he worked for several months. He'll be eating his Christmas turkey, served a la The Chief somewhere between Chicago and Kansas City Monday. He'll be gone several weeks.

Trading Heavy in Eastman Pfd

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	3⅛	3	3	.....	300
Consolidated Film Industries, pfd	11¼	10½	10½	— ⅜	3,600
Eastman Kodak	79	78	78⅛	+ ⅛	1,400
Eastman Kodak, pfd	125	124	124⅛	— ⅞	50,000
Fox Film "A"	12¾	12¾	12¾	— ¾	300
Keith-Albee-Orpheum, pfd.	15	15	15	.....	200
Loew's, Inc.	29	28	29	+ ¼	1,500
Paramount Publix	1⅞	1¾	1¾	— ⅛	1,400
Pathe Exchange	1¾	1⅜	1⅝	+ ⅜	6,800
Pathe Exchange "A"	10½	9½	10	+ ¾	4,900
RKO	2⅛	2	2	— ⅛	200
Warner Bros.	5⅛	4¾	4¾	— ⅛	3,000

Loew Bonds Jump 2⅛

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	25⅝	21⅞	25⅝	— ⅞	4
General Theatre Equipment 6s '40, ctf	23⅜	21¼	23⅜	— ¼	2
Keith B. F. 6s '46	50	50	50	—17⅛	1
Loew's 6s '41, ww deb rights	82⅞	82⅞	82⅞	+2⅛	1
Paramount F. L. 6s '47	27¾	27¾	27¾	+ ¾	6
Paramount Publix 5½s '50	29¼	28½	29¼	+ ½	31
Warner Bros. 6s '39, wd	39¼	39	39	.....	20

Purely Personal

BEN BERNIE left for Miami last night, where he will vacation until starting for Hollywood for his featured role in "The Great Magoo," from the stage play by BEN HECHT and GENE FOWLER.

JACK COHN and his family sail on the *Roma* tomorrow night for a Christmas and New Year's holiday in Caribbean waters. Yesterday he tried to persuade HERMAN ROBBINS to join him. No luck.

FRANCIS EDWARDS FARAGOH, writer; EDWARD H. GRIFFITH, director, and CHARLES (BUDDY) ROGERS have arrived at the Warwick. ROGERS joined his mother there.

MORT BLUMENSTOCK has joined the legion of Kentucky colonels, if for no other reason than to show MOE SILVER he can get that way, too.

MOLLY PICON leaves today for the Coast on the *Santa Rosa*. On the same liner will be MRS. LEO CARRILLO and her daughter.

YASCHA BUNCHUK, who has been on a concert tour, will conduct the Capitol orchestra beginning today.

LESLIE HOWARD arrived in town from England yesterday on the *Empress of Britain*, on his way to the coast.

RUBY KEELER, DICK POWELL, STERLING HOLLOWAY and HUGH HERBERT were on the air with RUDY VALLEE on the Fleischman Hour last night.

KAY FRANCIS is scheduled to broadcast on the Ipana program next Wednesday night.

JOHN MEEHAN, auditor for Amity Pictures, is back from a tour of western exchanges.

ELIZABETH LONERGAN is in Hollywood to spend the holidays with her brother, PHIL. It was a plane ride.

TIM MCCOY plans to spend the holidays in New York, returning to the coast after the first of the year.

GUY MORGAN, U. A. head in the Argentine, has returned to his headquarters after several weeks here.

LES KAUFMAN is the daddy of a six pound, six ounce boy. The Kaufmans are in St. Louis.

IRVING LESSER has booked "Son of Kong" into the 7th Ave. Roxy starting Dec. 29.

WILLIAM WYLER left for Hollywood yesterday to resume work at Universal.

JOSEF BERNE, director of "Black Dawn," is in town.

WILLIAM D. SHAPIRO has gone to Boston for a few days.

Moley S. & C. Executive

Al Moley, formerly an independent booking agent, is now general manager of the Springer and Cocalis circuit.

YULETIDE NEWS IN PHOTO-REVUE

XMAS CHEER FOR WARNERS by *M. P. Herald* dual 'Champion' award to Footlight Parade' and 'Kenel Murder Case' based on ation-wide survey of top ovember grossers.

SANTA CLAUS CONVENTION at 'Convention City' premiere features tremendous N. Y. Strand campaign for Warners' 10-comic 'Grand Hotel of fun'.°

MERRY XMAS assured for holiday audiences by record total of holiday bookings for Joe E. Brown's 'Son of a Sailor'.°

HOME FOR HOLIDAYS come the Paul Munis on completion of HIlarious 'Hi, Nellie', due for January release.*

HAPPY 1934 forecast for Genevieve Tobin as advance views bring raves for her role with Menjou in 'Easy To Love', coming laugh ace from Warner Bros.

'SEASON'S GREETINGS—and I'll see you in 'Fashions of 1934'', says Bette Davis, opposite William Powell in Warner special now in studio cutting room.

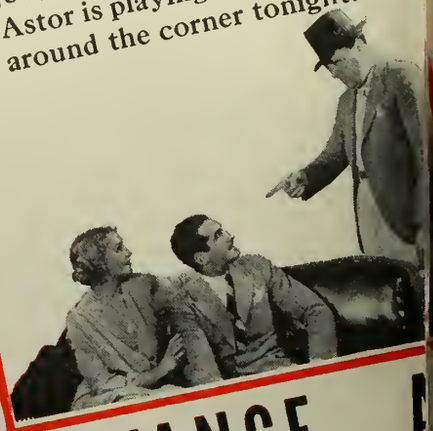
*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

SCENES AND DIALOGUE FROM THE INTRODUCTION TO WARNER BROS.' VITAPHONE TRAILER ON "CONVENTION CITY"

GIRL:–Do you love me, honey?
MAN:–Yes my little daffodil.
GIRL:–Kiss me again.

GIRL:–Heavens, my husband.
MAN:–Heavens, my end.

HUSBAND:–Do you two know that "Convention City" with Joan Blondell, Adolphe Menjou, Dick Powell and Mary Astor is playing at the theatre around the corner tonight?

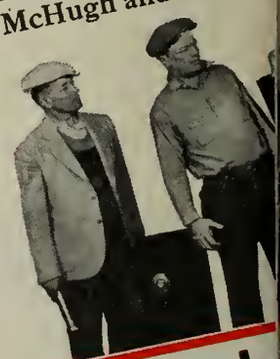


START THEM LAUGHING A WEEK IN ADVANCE... A

FIRST BURGLAR:–It'll blow in a minute now.

FIRST BURGLAR:–What do you want?
COP:–I just thought I'd tell you boys that they're showing "Convention City" at the theatre next door.

SECOND BURGLAR:–I... the picture with Joan B... and Dick Powell?
COP:–Yeah. And A... Menjou, Guy Kibbee... McHugh and Mary A...



STOP 'TILL THE LAST FRAME OF YOUR L...

"Selling 'Convention City' should be a cinch," says *M. P. Herald*... And this clever, novel Trailer makes your selling job a set-up! If you haven't seen it, take our word that it's as funny as the picture... And if you haven't seen the picture—well, it's just as funny as the trailer! "Should be a money magnet a... all houses," says *Variety Daily*... Get today from Money Magnet Headquarters—

WARNER BRO...

A First National Picture Vitagraph, Inc., Distributors

–That swell comedy
ybody's talking about?
AND:–Yes! Come on, let's
ry.

THEY'LL NEVER

FIRST BURGLAR:–Well, what
the heck are we waiting for?
Come on!

PERFORMANCE OF

WORLD PREMIERE
TONITE AT N.Y. STRAND
with
JOAN BLONDELL
ADOLPHE MENJOU
DICK POWELL
MARY ASTOR
GUY KIBBEE
FRANK McHUGH
PATRICIA ELLIS
RUTH DONNELLY
HUGH HERBERT
SHEILA TERRY
Directed by
ARCHIE MAYO

CONVENTION CITY"

Publix Sale to New Unit Wins Consent

(Continued from page 1)

went into voluntary bankruptcy last Jan. 27. Following final settlement of a number of claims filed against Publix Enterprises by creditors the company will be formally discharged from bankruptcy and will cease to exist.

Under the terms of the sale Famous Theatres, a recently created and wholly-owned subsidiary of Paramount Publix, pays $240,000 in cash on the purchase price. Out of this amount, expenses for administration during its 11 months in bankruptcy will be paid. The remaining $1,560,000 will be paid through an adjustment of monies owed to Paramount Publix and subsidiaries by Publix Enterprises. These aggregate more than $4,000,000, and will be applied on the balance of the purchase price on the basis of either 35 cents on the dollar, to be paid in five-year, five per cent notes of Famous Theatres, or by the exchange of one share of preferred stock of Famous for each $200 of claims.

So closely held inside of Paramount are the assets of Publix Enterprises that attorneys for the Paramount Publix trustees in bankruptcy have stated that "between 97 and 98 per cent" of the money represented by the purchase price "will revert to the control of the Paramount Publix trustees."

J. Frank Freeman, former general manager for S. A. Lynch's Southern Enterprises, is president of Famous Theatres. Publix Enterprises originally was Southern Enterprises, and was acquired from Lynch by Paramount several years ago. Lynch was called in following the bankruptcy of the theatre organization to direct reorganization of the properties. He will continue as a director and executive officer of Famous Theatres, and receives 2,500 shares of the new company's total preferred of 8,525 shares. In addition, he receives a $50,000 one-year six per cent note of Famous Theatres for his services in the reorganization work.

Michalove in New Paramount Company

(Continued from page 1)

tinue with Famous Theatres in an active executive capacity, it became known yesterday when Referee Henry K. Davis approved sale of Publix Enterprises' assets to the recently formed company. Michalove at present, is an assistant to S. R. Kent, president of Fox.

Whether this presages any change in his Fox association could not be learned yesterday. Michalove could not be reached for a statement.

Schaefer Denies

George J. Schaefer, general manager of Paramount, yesterday denied his company will distribute "Drums of the Night," produced in Jamaica by William Saal, as reported in Motion Picture Daily.

Delay Para. Meet

A Paramount Publix creditors' meeting scheduled for yesterday before Referee Henry K. Davis was postponed until today.

Dispport and Make Hoopla at Round Table 'Get-Together'

A floor show, including over 30 headline radio and stage acts under supervision of Lew Preston, featured the Christmas "get-together" of the Managers' Round Table Club of *Motion Picture Herald* at the Brass Rail Restaurant last night.

The party started at midnight and then ran on with an address of welcome by A-Mike Vogel, chairman, and presentation of the guests of honor from all branches of the industry. A buffet supper followed, during which a musical presentation was put on by the Academy of Music orchestra under the leadership of Joe Gershenson.

Among the acts that showed their wares were Valaida Snow, Berry Bros., Buddy Ralph, Roy Benson, Beth Chalis, Eddie Miller, Hal Young, William O'Neill, Jesse "Lazy Bone" Crier, Three Long Brothers; Rich, Kaye & Eva; Charles Chaze, Mel Klee, Jack Arthur, Ben Alley, Roy Smeck, Michael the Accordion; Ronnie, Van & Chapman; Gene Austin, Roy Sax, Lester Allen; Mario & Lazaren; The Sunshine; The Interfering Waiters, Apple & Teller, and many others.

In attendance were large delegations from the Randforce, Skouras, Warner and RKO local circuits, as well as groups from metropolitan and independent New Jersey, Connecticut and Long Island theatres. The following were some of those present:

Maurey Ashmann, the Capitol, Brooklyn; Murray Alper, the Commodore, Brooklyn; Sam Alster, the Kinema, Brooklyn; Rubin Abrams, Friseh & Rinzler, Brooklyn; H. Artz, Lefferts, Brooklyn; Mac Alster, Cross Bay, Brooklyn; Nat Allentuck, Belmont. Bronx; E. J. Burke, Roxy, New York; Paul Binstock, Republic, Brooklyn; Irving Berman, Meserole, Brooklyn; Joe Bernhardt, Stadium, Brooklyn; Billings Booth, Jefferson, Springfield, Mass.; M. J. Baranco, Audubon, New York; S. Backalish, Lefferts, Brooklyn; J. Baker, Carroll, Brooklyn; William Brown, Marboro, Brooklyn; H. Barend, Marboro, Brooklyn; M. Bundt, Marboro, Brooklyn; E. S. C. Coppock, Paramount, Stapleton; B. Cable; M. Cowerling, Blenheim, Bronx; J. Castorino, Lefferts, Brooklyn; George Davis, Stadium, Brooklyn; W. J. Daly, Japanese Gardens, New York; M. Decker, Stratford, Brooklyn; A. DeSimone, Marboro, Brooklyn; Gerald Evans, Rialto, Brooklyn; M. Epstein, Culver, Brooklyn; Ira Escha; Harold Funk; L. Fishkin, Alba, Brooklyn; Ben Friedman, Lefferts, Brooklyn; Hyman Greenberg, Sumner, Brooklyn; E. W. Gould, Costello, New York; Walter Goldstein, Ambassador, Brooklyn; G. Greiger, Glenwood, Brooklyn; B. Goodman, Marboro, Brooklyn; C. Godfrey, Crotona, Brooklyn; Joe Herman, Embassy, Brooklyn; Arthur Haas, Lefferts, Brooklyn; Ted Hodes, Roosevelt, Jamaica; B. Handler, Riviera, Brooklyn; L. Hornzeich, Riviera, Brooklyn; Seymour Jonas, Kismet, Brooklyn; Morris Kinzler, Roxy, New York; Stanley Kolbert, Park, Brooklyn; Wesley Kent; Dave Julian, Embassy, Brooklyn; J. B. Kimmis, Audubon, New York; J. La Barbara, Meserole, Brooklyn; B. Levinson, Alba, Brooklyn; Sidney Larschan, Park, Brooklyn; Charles Larschan, Park, Brooklyn; Howard Marcovie, Williamsburg Playhouse, Brooklyn; Nick Mann, Skouras, New York; C. S. Michelson; C. Maloney, Marcy, Brooklyn; Nick Massaro, Lefferts, Brooklyn; E. McGraw, Academy, Brooklyn; L. McGary, Nemo, New York; J. Mascosi, Carroll, Brooklyn; J. Meyer, Marboro, Brooklyn; Ben Ostrow, Academy of Music, New York; Lou Preston, Academy of Music, New York; A. Perlmutter, Lefferts, Brooklyn; J. Pincus, Maspeth, Maspeth; Dave Rosen, Embassy, Brooklyn; Joe Rinzler, Biltmore, Brooklyn; Dan Ru..ne, Meridian, Brooklyn; Ben Reisner, Carroll, Brooklyn; M. Reisner, Claridge, Brooklyn; J. Reisner, Marboro, Brooklyn; B. Snider, Master Art, New York; A. Senft, Sterling Sign Co., New York; Jos. Salmon, Riverside, New York; C. Steinman; Geo. Stoves, Republic, Brooklyn; L. Somers, Commodore, Brooklyn; B. Shitzer, Marcy, Brooklyn; Louis Schnitzer, Ambassador, Brooklyn; Chas. Silver, Lefferts, Brooklyn; Leo Silverstein, Lefferts, Brooklyn; A. Scott, Roosevelt, Jamaica; Harry Schwartz, Master Art, New York; Z. Savage, Carroll, Brooklyn; A. Strandt, Claridge, Brooklyn; L. Steinmetz, Highway, Brooklyn; B. Tarney, Riviera, Brooklyn; H. Trauman, Blendheim, Bronx; L. Varnelle, Highway, Brooklyn; S. Ward, Lefferts, Brooklyn; J. Ward, Lefferts, Brooklyn, and Sid Mimmerman, Embassy, Brooklyn.

According to Vogel, another "get-together" to which the members may bring their wives is under way for February. It will be a dinner-dance.

M-G-M Holds Party

The M-G-M New York Exchange Pep Club last night held a Christmas party at the Victoria. Max Baer headlined the entertainment. Performers from the Capitol also entertained.

Chateau Heads Union

New Orleans, Dec. 21.—Arthur Chateau again heads the projectionists' union here.

His Last Round-Up

Just so the folks back in those Hollywood hills won't be able to yell "piker," the co-conspirators planning a bachelor dinner for Mervyn Le Roy at the Astor next Thursday evening have lined up not one master of ceremonies, but eight to explain the facts of life to Mervyn who takes the leap, hand in hand with Doris Warner, only daughter of H. M. Warner, on Jan. 4.

The Four Marxmen, probably drafting Gummo now that Harpo is in Moscow, may be first. When they finish with Le Roy, he will be turned over—as gently as possible—to Eddie Cantor; then to Jack Pearl to Jack Benny to Georgie Jessel and, finally, to Bert Lahr who will be mascot of ceremonies for the evening.

About 150 well-known film men will attend, all for the purpose of giving Le Roy something to remember them by.

Story Board Will Work with Sheehan

(Continued from page 1)

York, S. R. Kent spoke of the development in the following statement:

"To insure the best in story material, the Fox studio has set up a centralized board of control for all story material to be produced into pictures on the lot. This board control consists of three: the producer who will make the picture, also Winfield Sheehan in all cases, and another producing executive. This producing executive may be the story head, another associate producer or an executive with a particular knowledge regarding the definite story in question. This board of three with Mr. Sheehan as chairman has the final say in the selection and approval of stories.

"Ray Long and Fred Collins have roving commissions, ferreting out story material, visiting authors and traveling where they believe story material may be found."

These are the highlights of what Kent told Fox producers when the change was made.

Lloyd May Transfer Distribution to Fox

(Continued from page 1)

the probabilities that it will be Fox, although no contracts have been signed as yet.

It is understood the new arrangement will go into effect after the first of the year. Lloyd now releases via Paramount.

Sten in "Resurrection"

Hollywood, Dec. 21.—Anna Sten's second for Samuel Goldwyn will be based on Leo Tolstoy's "Resurrection" with Fredric March playing opposite. After that, she will do "Barbary Coast."

"Resurrection" has already been filmed three times. Paramount released its version in 1918; Dolores Del Rio appeared in the novel produced by Edwin Carewe for United Artists in 1927 and Universal had one in 1931.

Criterion on "Grind"

An indefinite term lease on the Criterion has been taken by Krimsky & Cochran, who will reopen their own production, "The Emperor Jones," at the house tomorrow. The picture will play a grind schedule at popular prices, with an evening top of 75 cents. It is expected to run three or four weeks. Krimsky & Cochran are now looking for a feature to follow it.

Postpone Star Team

Hollywood, Dec. 21.—Warners' co-starring plans for Dick Powell and Ruby Keeler have been deferred until after completion of "Lady of Romance" in which Powell will have "Ginger" Rogers opposite. Ray Enright will direct.

Paramount Buys Two

Paramount has acquired screen rights to "Fifty-Two Weeks for Florette," a story by Elizabeth Alexander Heermann, and "Cosmetic," a play by Bekeffi, Hungarian author and playwright.

Code Groups To Get Busy Next Week

(*Continued from page* 1)

dealing with rules of Code Authority and securing signatures for approval of the code, left for Columbus, Miss., yesterday. He is expected back next week.

All committees are expected to submit plans for approval of the Code Authority at the next session, Jan. 4. The meeting in all probability will take place at the Bar Association Bldg., since permanent headquarters will not be approved by that time.

Lowell Turns Down Post on Authority

(*Continued from page* 1)

so doing. MOTION PICTURE DAILY learns from an inside source that he is expected to definitely accept the post on the Authority.

WASHINGTON, Dec. 21.—Washington tonight was without formal notification of the resignation of Dr. A. Lawrence Lowell. At the White House it was said no notification had been received and that the President had no information regarding the refusal of Lowell to accept the position to which he personally named him. At the Recovery Administration it was said a letter had been received from Lowell expressing some doubt as to whether he could serve and that General Johnson had replied to it, since which time nothing further had been heard.

The resignation of Lowell leaves Division Administrator Sol A. Rosenblatt as the only government representative on the Code Authority, but it was explained that this will offer no interruption to the work of the group, since Rosenblatt will be in close touch with its activities at all times.

Appointment of other government representatives on the code committee is not expected to be announced until around the first of the year.

Local Independents Defer Code Hearing

Meeting of local independents for a discussion of the code has been deferred until January, at which time Division Administrator Sol A. Rosenblatt will answer all questions pertaining to any of the clauses. It was originally intended to hold the meeting following the first get-together of Code Authority, but because of the holidays, the plan was dropped. The T.O.C.C. some time ago signed the code. President Charles L. O'Reilly is a member of Code Authority.

Reach Deadlock on Minneapolis Labor

MINNEAPOLIS, Dec. 21.—After a three-day session, the Allied labor committee and Twin City operators failed to get together on code wages and will let the matter go to arbitration.

Highlights of Ampa Party

Eddie Cantor alternately waxed humorous and serious at the Ampa Christmas party at the Astor yesterday where strong appeals were made to support *The Film Daily* Relief Fund.

"Having heard Mr. Chamlee sing, I now know what's wrong with Georgie Jessel," said the comedian, who described the opera star as one of the few American-born singers who broke into the operatic field without smelling of garlic.

"I've spoken at so many luncheons lately that every time I pass a restaurant and see a grapefruit in the window I start saying: 'Dear Mr. Toastmaster.'"

Cantor took a good-natured poke at Chase and Sanborn coffee and said the answer to what happened to the C. & S. product when the date ran out was simple. "They call it Maxwell," he declared.

"When you're not on the receiving end, you should be on the giving end," added Cantor. "There's nothing like the pleasure of giving. I spoke in Los Angeles for the Community Chest recently and, believe it or not, many people thought the community chest referred to the upper part of Mae West."

KMTA Moves to Aid Start of Code Work

KANSAS CITY, Dec. 21.—Taking the leadership in this territory with respect to the relation of exhibitors to the code, the Kansas-Missouri Theatre Ass'n. is planning to acquaint them with code provisions.

Sol A. Rosenblatt, division administrator, may be invited to Kansas City to address a meeting of the association's members or a mass meeting under auspices of the association. The meeting is planned to clarify points, about which there may be some doubt or misunderstanding.

The association is mapping definite plans for participation in the code administration in this territory. A recent questionnaire sent out by the organization showed a majority of exhibitors outside of Kansas City were in favor of giving its board of directors "full and complete power" to deal with trade problems and practices in Kansas and western Missouri.

Bernhard Talks Code To Warner Managers

Assurance that his company intended to abide by the code to the letter was given by Joseph Bernhard, managing director of Warner theatres, at a conference with Warner zone managers at the home office. Bernhard said Warners would be guided by the intention of fair trade practices in every situation.

Zone managers present were: James Coston, Chicago; Nat Wolfe, Cleveland; B. E. Hoffman, New Haven; Don Jacocks, Newark; George Henger, Oklahoma City; Leon Schlesinger, Philadelphia; Harry Kalmine, Pittsburgh; J. J. Payette, Washington, D. C.; David Weshner, Milwaukee, and Leto Hill, St. Louis.

Files Grievance Case

CLEVELAND, Dec. 21.—Claiming RKO, Warner and Paramount have cancelled their contracts and have refused service at the Market Square Theatre on the complaint of competitors because he has a ten-cent adult admission price from 6:30 to 7:30 nightly, Sam Barck has filed a grievance case under the code with the Hays organization.

Wanger Coming East

HOLLYWOOD, Dec. 21.—Walter Wanger set out by plane for the east tonight with a print of "Christina." He returns Jan. 2.

Fox on Doubles in K. C.; Eyebrows Rise

KANSAS CITY, Dec. 21.—Assertedly confronted by pictures that will not stand alone, the Uptown, Fox Midwest first-run, has launched a double bill policy with a combination of "Female" and "Olsen's Big Moment," with the first feature getting the big play in the ads.

Independent suburbans look askance at the policy, inasmuch as efforts have been made to abolish duals in Kansas City, and since the Uptown twin bills are subsequently booked into Fox Midwest suburban runs.

Earlier in the season, the Uptown launched a twin bill test but the house reverted to single bills after a week's experiment. In the previous trial, the balcony price was shaved to 25 cents, but this time the 40-cent top prevails for all seats.

To Consider Cantor Broadcast Complaint

HOLLYWOOD, Dec. 21.—Replying to Harry Brandt's protest in behalf of the I. T. O. A. against Eddie Cantor appearing on Sunday night radio programs, Samuel Goldwyn said today there was nothing he could do at present but would take the matter up with the comedian and his sponsor upon his visit to New York within the next ten days. It is reported here Cantor has sided with the exhibitors and will refuse to sign a new contract unless his programs are switched from Sunday night.

Majestic to Produce Own Films: Gluckman

(*Continued from page* 1)

He stated a successor to Phil Goldstone will be named the first week in January. William D. Shapiro, vice-president, who returned with Gluckman after several weeks in Hollywood, will trek to the coast again after the first of the year. E. H. Goldstone is now handling the sales post recently vacated by Max Weisfeldt.

Saenger Gets Rebate

NEW ORLEANS, Dec. 21.—U. S. District Court Judge Borah has instructed E. V. Richards, receiver for Saenger Theatres, to accept a rebate of $375.41 offered by the *Times-Picayune*. It is an overage on an annual advertising contract.

Employment At '29 Level, Reports Hays

(*Continued from page* 1)

Isham Jones, was marked by speeches and appeals on behalf of *The Film Daily* Relief Fund made by John C. Flinn, president of the Ampa, Louis Nizer, Eddie Cantor, Cecil B. De Mille and Hays.

It was pointed that the relief fund, established since 1927, had collected $4,300 last year and, through its efforts, had not only relieved the financial condition of many men in the industry who once had known better times but through its administration had been successful in obtaining 43 jobs for men out of work.

"So well established is this fund that it has made unnecessary the organization of an industry relief fund here such as exists in Hollywood and which raised $150,000 last year," said Hays. In making an appeal for the support of the drive which will culminate, as usual, on Christmas Day, Hays' appeal was duplicated by other speakers.

Called upon to pay tribute to Jack Alicoate, publisher and editor of *The Film Daily*, who is in direct charge of the fund, the audience which was the largest to grace an Ampa board since the days of its "Naked Truth" dinners, responded with a will.

Among telegrams read were those from Division Administrator Sol A. Rosenblatt, who was compelled to remain in Washington on government business, and from Mervyn Le Roy, who is busy preparing for his wedding to Doris Warner on Jan. 4.

The function was well-handled, run off on schedule and paid a sizeable recognition to what has long since been widely recognized in the trade as a worthwhile charitable endeavor. Paul Benjamin of National Screen, Bert Adler of Fanchon and Marco and Marvin Kirsch of *The Film Daily* worked hard and long to make it a success. They succeeded.

Among those glimpsed on and near the dais which was set and filled by 50 men and women were:

Bert Adler, Jack Alicoate, Colvin Brown, J. E. Brulator, Edward Bowes, Nathan Burkan, Rex Beach, Eddie Cantor, Mario Chamlee, Jack Cohn, Tony Canzoneri, Al Courmier, James Cron, George Dembow, Ned Depinet, Eddie Dowling, Don Dean, Cecil B. De Mille, Jay Emanuel, Walter Eberhardt, Ed Finney, Harold B. Franklin, Arthur S. Friend, Toby Gruen, Arthur Butler Graham, Robert Gillham, Paula Gould, Ray Gallagher, Hal Horne, Arthur Houseman, Pete Harrison, Earle W. Hammons, Will H. Hays, Harry Hershfield, W. Ray Johnston, Red Kann, Ed Kuykendall, Ralph Kohn, Walter Moore, Boris Morros, Charles E. McCarthy, J. J. McCarthy, Maurice McKenzie, Vivian Moses, Louis Nizer, Gar O'Neil, Charles C. Pettijohn, Martin Quigley, Lou Rydell, Herman Robbins, Nellie Revell, Hortense Schorr, Bob Savini, George Schaefer, Sid Silverman, Robert Sisk, Fritzi Scheff, Lester Thompson, Julius Tannen, Sophie Tucker, R. F. Woodhull, Gordon White, Will Whitmore, Arthur G. Whyte, Ralph Wonders and Eugene Zukor.

Warners Seen Victor

MINNEAPOLIS, Dec. 21.—Bannering against Warner pictures and the company's exchange on part of local exhibitors ended today. The move is seen as a victory for Warners in the boycott move under way here.

Renew Argument on Realty Associates

Alfred T. Davison, counsel for Realty Associates Securities Corp., bankrupt, told Federal Judge Marcus B. Campbell in Brooklyn yesterday that money had been posted for a claim of the federal government against the bankrupt concern and that payment would have no effect on the corporation's offer to creditors. The corporation is offering creditors 15 per cent in cash and 85 per cent in bonds maturing in 1943. Confirmation of the offer was opposed by Clarence Goldberg, representing creditors claiming $24,000.

Davison attacked fees recommended by referee in bankruptcy Eugene F. O'Connor, Jr., who claims $62,500, the former insisting that O'Connor was entitled to one-half of one per cent of the cash settlement, in this instance $9,500.

Archibald Palmer, representing bond holders, also attacked O'Connor's fees. Palmer then directed his fire at the receiver for the corporation, Fred L. Gross, president of the Brooklyn Bar Ass'n, and Frank Fox, president of the bankrupt concern. Palmer said over $5,000 of Fox's annual salary as head of the corporation and affiliates was paid by the bankrupt firm. Now he said with a court labeling him receiver for six months he claims one-half of $129,000, the amount the court may award the receivers. Palmer also attacked the accounting firm of Touche, Niven & Co., which is asking for $4,500. He said the firm furnished no information to creditors, only submitting a 24-page report painting the company as "lily white."

Amity in Deals for Players and Stories

Amity Pictures is negotiating for a number of players and stories for the 12 features planned. Sam Efrus is en route to the Coast to start the first, which will be directed by Charles Hutchison. The company has acquired six Will Rogers shorts originally produced by C. S. Clancey.

Three in Paterson

Three Warner-First National pictures are being shown first run simultaneously in Paterson, N. J. They are "From Headquarters" at the Riviera, "Havana Widows" at the Fabian, "College Coach" at the Garden.

Kincey Adds Two

CHARLOTTE, Dec. 21.—Two more houses, the Imperial and Universal, at Lenoir, N. C., have been added to the North Carolina Theatres' chain of 36 in this territory, according to Herbert Kincey.

Brown Vacationing

George Brown, head of Columbia's publicity, advertising and exploitation departments, left yesterday on a Caribbean cruise vacation.

Weil to Coast Jan. 1

Joe Weil, newly appointed assistant to Carl Laemmle, leaves for the coast Jan. 1 to take up his new duties.

Dempsey in RKO Shorts

HOLLYWOOD, Dec. 21.—Radio is reported to be negotiating with Jack Dempsey for a series of shorts.

Looking 'Em Over

"The Film Parade"

(General)

Unquestionably "The Film Parade" is priceless as a celluloid record of the history of the screen. It covers comprehensively the whole field of experimentation in the science of motion pictures. Delving back into the most primitive efforts at creating animation, the film takes us down the years to the era of talking pictures.

Instructive this most certainly is, but as mass entertainment it has not much to offer. In the school it may advance the cause of education, but in the theatre it is hardly likely to advance the cause of the box-office. An exception may be made to this statement where the older generation is concerned. To this older generation it will undoubtedly bring back reminiscences of those days when it went wild over Billy Anderson, Flora Fitch, Maurice Costello, and a host of other stars whose names today are but a memory. All these old timers again come to life in scenes from pictures made in the early years of the screen. Shown as they were in the days when they were unknown are many of the stars of the present day.

J. Stuart Blackton, screen pioneer, made this production and serves as commentator.

Arnold Blasts Critics; Not After A. F. L. Tie

HOLLYWOOD, Dec. 21.—Incensed over what he calls malicious progapanda allegedly emanating from camera union headquarters here, to the effect the American Federation of Labor refused a charter to a group of members of the A.S.C., of which he is head, for a new camera union, John Arnold denies any such application has been made.

The A.S.C. is instituting an investigation, with legal action threatened against those found planting progaganda against the organization. The union is said to be upset over the heavy increase in the membership of the A.S.C. from 166 some months ago to 450 today and over its working out details for a new working agreement with producers.

Blank's Settlement Offer to Be Probed

OMAHA, Dec. 21.—On an order of the U. S. District Court, Herman Aye, referee in bankruptcy, will investigate an offer of A. H. Blank Theatre Co. of Nebraska to settle $800,000 in debts at 20 cents on the dollar.

A petition asking for approval of such a settlement has been filed by Paul Massey, attorney for Blank, who states that it is agreeable to a majority of creditors. The defunct company was controlled by Paramount.

Report Cooper to Ask Studio Head Release

HOLLYWOOD, Dec. 21.—The report is that Merian Cooper is certain to demand he be released from heading the Radio studios when his contract expires March 1, in preference to handling a single unit producing the Whitney technicolor series. B. B. Kahane will assume general charge of splitting production into three units, headed by Cooper, Pandro Berman and Kenneth MacGowan and a possible fourth.

Disband Stock Companies

HOLLYWOOD, Dec. 21.—Universal and Radio have disbanded their stock companies.

Chicago Men Begin Dicker with Union

CHICAGO, Dec. 21.—Aaron Saperstein, head of Allied Theatres of Illinois, and Jack Miller of the Chicago Exhibitors' Ass'n. have opened negotiations with Tom Maloy and Tom Reynolds of the operators' union on a working agreement for 1934. The present agreement expires Jan. 10.

Saperstein and Miller will meet the union officials separately in behalf of their organizations. Approach to the signing of a new agreement is usually preceded by a series of preliminary conferences with a "windup" meeting as the deadline approaches that has on several occasions lasted throughout the night at a downtown hotel.

Parleys this year will be complicated by the NRA setup. While the exhibitor leaders are prepared to ask for the customary reductions they are not making any predictions on what may be accomplished. Generally, the relationship between both exhibitor group leaders and the union has been one of conciliation and cooperation during the last year.

Detroit Men Start Local Variety Club

DETROIT, Dec. 21.—A Variety Club was organized here this week and J. E. ("Jack") Flynn, M-G-M district manager, was elected president. Ed Kirchner and M. J. Caplan are vice-presidents and David Newman, secretary. Carl Shalit is secretary.

The club came into being with 61 charter members, claimed as the largest group to launch any of the existing Variety Clubs in Middle Western cities. Quarters will be opened at the Book-Cadillac on Jan. 6.

The original Variety Club was organized by John H. Harris in Pittsburgh and gradually the idea has spread. Columbus was the second to organize; St. Louis was third, Cincinnati, fourth, and Detroit, fifth.

Now Has 90 Members

ST. LOUIS, Dec. 21.—The St. Louis Variety Club now has an enrolled membership of 90. A drive is on to include independent theatre managers.

Tax on Stage Held Aiding Film Houses

WASHINGTON, Dec. 21. — Motion pictures are living off the taxes on the legitimate stage, it was represented today at hearings before the House Ways and Means Committee, which is developing a new revenue measure for submission to Congress.

Appearing for the purpose of presenting a plea for total repeal of the admission tax, Henry Moskowitz of New York, a member of the Legitimate Theater Code Authority; Frank Gilmore of Equity, Fred Dempsey of I. A. T. S. E., and Matthew Zimmerman of the Public Service Ticket Office, all declared that the present heavy taxes were diverting the theatre-going public to picture houses.

Figures were submitted to show the tax was a "failure," it being pointed out the estimated revenue of $42,000,000 a year in actual operation has proven to be but $15,000,000. The committee was told the people are realizing that the tax they would be required to pay on legitimate theater tickets would pay their way into a picture house and are going to the latter.

Major Product Only From Goldstone Now

(Continued from page 1)

brackets for major release. Resigning from the I.M.P.P.A., he declared exhibitors were to blame for the independents' failure to make a profit. He said exhibitors pay less for an independent film no matter how good and more for major product of inferior quality, adding that until this condition is rectified little hope remains for independent producers.

Goldstone will be eastbound next week on the way to Europe. He plans to take up his new activities in March.

Rasmussen Dead

COPENHAGEN, Dec. 21.—Dr. Knud Rasmussen, Danish Arctic explorer, died here today after a long illness, brought about by food poisoning. Rasmussen spent several months in Greenland with the Universal unit making "S.O.S. Iceberg," as "protector" of the unit.

"Jazz Singer" Remake

HOLLYWOOD, Dec. 21.—Al Jolson is prevailing upon Warners to remake "The Jazz Singer" as one of the group of three pictures he is to do for that company. A canvass for exhibitor reaction to the proposed remake is being made.

Educ. Schedules 22

Fox will release 22 subjects from Educational between now and the middle of February. Educational has set production schedules on both east and west coasts calling for completion of from two to four subjects weekly.

"U" Holds Sherriff

HOLLYWOOD, Dec. 21.—Universal has signed R. C. Sherriff to a new contract The first of three to be written by him during the coming year will be "A Trip to Mars."

Director and Producer

HOLLYWOOD, Dec. 21.—John Cromwell, who is directing "Transient Love" for Radio, has taken over the title of producer as well.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 147 NEW YORK, SATURDAY, DECEMBER 23, 1933 TEN CENTS

Trade Awaits Happier Days In Columbus

Big Bugaboo, As Usual, Is Too Many Seats

Eighth in a series on conditions in the Middle West.

By RED KANN

COLUMBUS—The wheeze about patience being a virtue goes double in spades here in this city, the seat of Ohio's government.

There are 300 seats less 10,000 in the downtown section and that's more numbers than the city can take care of. Everybody in the local industry, which means the theatre industry since the only distributor around is "Duke" Clark and a Paramount exchange, knows the condition, bemoans the fate which, similarly to other cities of like, larger and smaller size, has hit Columbus but doesn't know what can be done about it unless a friendly earthquake happens along and furnishes the

(*Continued on page 3*)

Ohio Independents Pick Vance as Head

CINCINNATI, Dec. 22.—The Ohio Balley Independent Exhibitors' League, recently organized to replace the Greater Cincinnati M. P. Exhibitors' Ass'n. and the Ohio Allied unit, has elected the following officers:

(*Continued on page 2*)

Conspiracy Charge Quashed, Says Erpi

Charges of invalidity of Erpi's standard theatre license agreement because executed in pursuance of a conspiracy between A. T. & T., Western

(*Continued on page 2*)

Garbo in Caps

Garbo yesterday made her appearance on Broadway in caps on the huge sign on the front of the Astor. Today her face will grace the sign under the caps.

This sign will not mention "Queen Christina," by throwing the complete play to the star, but the marquee mentions both the star's name and the picture.

Copyright Budget Approved for 1934

Annual budget for the Copyright Protection Bureau was approved yesterday by sales heads of major distributing companies at a meeting held at the Astor. An attorney from the Hays office presided at the conference. Jack Levin, operating head of the bureau, Ned Depinet, Jules Levy, Felix Feist, Gradwell Sears, A. W. Smith, M. Wormser, Neil Agnew, E. C. Grainger and Louis Phillips were among those who attended.

The bureau has six division managers actively in the field.

No Code Action by New Jersey Allied

No action on signing of the code will be taken by Allied of New Jersey, Sidney Samuelson, president of the unit, states. The matter is not for units to decide, but for the individual exhibitors themselves, Samuelson says.

At a recent meeting of the unit in Trenton, three alternatives were offered the members. The first was to sign the code as it stands; the sec-

(*Continued on page 4*)

3-Day Holiday for Film Employes Here

Home offices, with few exceptions, are giving their employes a three-day Christmas vacation, being closed

(*Continued on page 2*)

Now They'll Talk

Sam Katz walked into the Godfrey Building yesterday, arm and arm with Jack Cohn. Columbia vice-prexy.

Now the rumors will commence.

IATSE Files Plaint Against Dubinsky

KANSAS CITY, Mo., Dec. 22.—The I.A.T.S.E. has filed a complaint with the National Labor Board in Washington against the Dubinsky Theatres alleging a lockout of operators and violations of the blanket and industry codes involving hours and wages, according to Walter S. Croft, international representative, assistant to

(*Continued on page 4*)

Cantor to Continue Broadcast, He Says

In face of continued exhibitor protest and despite reports from the Coast that he may change his Sunday night broadcasts to another night, Eddie Cantor will definitely continue his air

(*Continued on page 2*)

Studios Concentrate On Finished Scripts

HOLLYWOOD, Dec. 22.—With the trend for fewer and better pictures dominant in several of the major stu-

(*Continued on page 2*)

Golden and Freuler Hold '34 An Opportunity Year

By EDWARD GOLDEN
General Sales Manager, Monogram

As the new year approaches, one turns back the calendar of Time with reflections and thoughts as to what we can gain by our past experiences in glancing toward the future. We have much to be thankful for, and by what we have done, so we should be judged.

Never in the history of the business are opportunities so plentiful as the year "just around

(*Continued on page 4*)

By JOHN R. FREULER
President, Monarch Prod.

Rather than speculate on the future, let us have an intelligent belief in the leaders of our Government—and an open mind. Let any criticism, which may seem necessary as the program emerges into reality, be solely constructive and in the interests of "the greatest good for the greatest number."

In our enthusiasm for that future let us cast a re-

(*Continued on page 4*)

Code Proffer "Powerless," Says Lowell

Hits Block Booking in Explaining Refusal

BOSTON, Dec. 22.—Dr. A. Lawrence Lowell declined appointment to the Code Authority because he did not want to be a "powerless onlooker" and because of his objections to block booking, he revealed yesterday in making public the correspondence between himself and Administrator Hugh S. Johnson.

The former head of Harvard called in the newspaper men, because, he said, part of his reasons for his declination had been made public. This violated a rule against press interviews which he had maintained for 25 years or more.

Dr. Lowell's first telegram to Deputy Administrator Sol A. Rosenblatt follows:

"The five large producing companies have, by their business methods, obtained a controlling grip upon the business and are able to put forth upon the community any films that they please. This monopolistic prac-

(*Continued on page 4*)

Delaware-Maryland Men Sign the Code

WILMINGTON, Dec. 22.—With a majority of members present, the Independent M. P. Theatre Owners' Ass'n. of Delaware and the Eastern Shore of Maryland has unanimously indorsed and signed the code. Members not

(*Continued on page 4*)

NRA to Send Out Salary Queries Soon

WASHINGTON, Dec. 22.—Drafting of questionnaires to be sent out by the National Recovery Administration to

(*Continued on page 4*)

Sam Barck Declares Competition Unfair

CLEVELAND, Dec. 22.—One of the contentions to be made by Sam Barck when his complaint against major dis-

(*Continued on page 4*)

No Paper Monday

Motion Picture Daily **will not publish on Monday, Dec. 25, which is Christmas Day.**

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Conspiracy Charge Quashed, Says Erpi

(*Continued from page* 1)

Electric and Erpi to create a monopoly in the sound reproducing business have been held to be immaterial and unresponsive to a suit brought by Erpi to recover sums due under such contract, Erpi says.

Iowa District Judge Smyth so ruled in granting Erpi's motion to strike such charges from the defense in the case of Erpi against M. L. Dickson, operating the Temple, Mount Pleasant, Ia.

Ohio Independents Pick Vance as Head

(*Continued from page* 1)

President, Willis Vance; vice-president, Frank W. Huss, Jr.; secretary, Harold Bernstein; sergeant-at-arms, Charles Fine; trustees, Vance, Huss, Bernstein, Fine, Henry Levy, H. O. Krent, William Gerves, Leo Stephany and Sam Turk.

Suggestions for members on the local clearance and zoning and grievance boards have been telegraphed to the code authority. No action has been taken on signing the code.

Schlesinger Release Set

HOLLYWOOD, Dec. 22.—Leon Schlesinger says he will make 12 "Merry Melodies" in cinecolor, delivering one each month during next year for Warner release. The producer leaves next Tuesday for New York with Mr. and Mrs. L. E. Halprin and Mr. and Mrs. Teeple, the latter being Mervyn Le Roy's mother. The party will attend the Le Roy-Warner wedding.

Looking 'Em Over

"The Throne of the Gods"

(First Division)

For those satisfied with remarkable mountain scenery and off-stage dialogue by Lowell Thomas this will be extremely interesting entertainment. It is the film record of an expedition led by Dr. Dyhrenfurth of Switzerland to the highest peak in the Himalayas. Some of it is obviously staged for dramatic effect, but on the whole is an authentic and convincing travelogue.

Early scenes show a ship passing through the Suez Canal, with views of various spots in India, Darjeling, and points among the foothills until the final climb begins with native guides and pack animals.

Final stages of the climb are up icy cliffs and across wind-swept crags and glaciers.

"Roman Scandals," this morning's opener at the Rivoli, was reviewed by wire from Hollywood in MOTION PICTURE DAILY *Dec.* 4.

Cantor to Continue Broadcast, He Says

(*Continued from page* 1)

appearances, according to his present schedule, he states.

Cantor gives as his reason the fact that if he doesn't broadcast at 8 P. M. Sunday night some one else will, that if one of the many theatres along Broadway is doing a big business and the others are in the doldrums, it would be like asking the busy theatre to move to another street and give the other operator a chance.

Will Discuss Yarn

HOLLYWOOD, Dec. 22.—Eddie Cantor's next for Samuel Goldwyn may have a nautical swing to it. The comedian and his producer will talk it over shortly after the first of the year in New York.

Young for 'Men in White'

HOLLYWOOD, Dec. 22.—M-G-M has borrowed Waldemar Young from Paramount to adapt "Men in White." Franchot Tone's contract has been renewed and George B. Seitz has been signed to direct "Payment in Full."

Editing 20 Vitaphones

Twenty Vitaphone shorts are now in process of editing. They include five two-reelers, 14 one-reelers and one three-reeler.

Studios Concentrate On Finished Scripts

(*Continued from page* 1)

dios, work of concentrating on story preparation is a policy now in operation at Warners and 20th Century.

Orders at both plants were delivered that under no circumstances shall a picture go into production without a completed script. Stories that will not reach the actual production stages for several months to come are now being assigned to writers with instructions that the plays must be perfect and completed before handing them over to a director.

Staying with Fox

Dan Michalove declared yesterday reports linking him with a return to Paramount through the newly-formed Famous Theatres Corp. which has acquired assets of Publix Enterprises are erroneous. He declares he proposes continuing his present post as assistant to S. R. Kent at Fox.

Skouras Unit Bankrupt

Central New York States Theatres Corp. has filed a schedule in bankruptcy, listing liabilities at $174,270 and assets at $9,293.

The company is a subsidiary of the Skouras Theatres Corp. and was formed to operate the Schine circuit, which was turned back some time ago.

Loew Up One in Rising Market

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24	23¼	24	+ ¾	200
Consolidated Film Industries	3	2½	2½	— ½	300
Consolidated Film Industries, pfd	10¾	10⅝	10⅝	+ ⅛	1,100
Eastman Kodak	82	78¼	80	+1⅞	2,600
Loew's, Inc.	30½	29¼	30	+1	3,200
Paramount Publix	2	1¾	2	+ ¼	7,200
Pathe Exchange	1⅞	1½	1¾	+ ⅛	700
Pathe Exchange "A"	11¼	10	11¼	+ ¾	2,200
RKO	2¼	2	2⅛	+ ⅛	2,600
Warner Bros.	5⅜	4⅞	5¼	+ ¼	8,000

Technicolor Up One-Half on Curb

	High	Low	Close	Net Change	Sales
Educational	2	2	2	.....	100
Technicolor	8¾	8¾	8¾	+ ½	100
Trans Lux	2	1⅞	1⅞	+ ⅛	1,600

RKO Bonds Slip Three Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3	2⅞	3	+ ⅜	21
General Theatre Equipment 6s '40, ctf	2⅜	2¼	2⅜	.....	21
Loew's 6s '41, ww deb rights	82¾	82⅝	82¾	— ⅛	2
Paramount F. L. 6s '47	28	27	28	+ ¼	20
Paramount Publix 5½s '50	28½	28½	28½	.....	15
Pathe 7s '37, ww	83¾	83¾	83¾	.....	1
RKO 6s '41, pp	17	15	15	—3	4
Warner Bros. 6s '39, wd	39¼	39	39¼	+ ¼	26

Purely Personal

CONRAD NAGEL and IRENE PURCELL, both of them more than novices in pictures, head the cast of "The First Apple," stage play which opened at the Booth last night.

A. W. SMITH, in charge of Canadian and eastern sales for Warners, has returned from a trek to New Haven and Boston.

FIFI D'ORSAY is in town with her recently acquired hubby, MAURICE HILL. The two are stopping at the New Yorker.

MONTE BRICE is en route to the coast to join WILLIAM ROWLAND, his partner, already there. They may produce a picture in the west.

RICHARD V. ANDERSON of Universal has been elected master of Pacific Lodge No. 233, F. & A. M. This is the film and theatrical lodge.

HARLEY L. CLARKE, NOEL COWARD and FRANK LAWTON arrived from Europe yesterday.

GEORGE JESSEL has completed the first of a series of Vitaphone shorts.

JACK WHITE has gone to the coast for the holidays.

SI SEADLER has extended his Miami vacation.

3-Day Holiday for Film Employes Here

(*Continued from page* 1)

today and reopening Tuesday. Companies declaring a full-day holiday are Paramount, Columbia, Fox, United Artists, Radio and Erpi. Those that will carry on business today as usual are M-G-M, Universal and Warner. The Monogram offices will remain open part of this morning.

"Alice" Opens Big in L.A.

LOS ANGELES, Dec. 22.—"Alice in Wonderland" opened yesterday at the Paramount to record business of $3,485. Children accounted for 60 per cent of the matinee trade.

Seigel Takes Fourth

Henry Seigel, formerly New York exchange manager for Paramount, has added the Boston Road in the Bronx to his circuit of three houses.

P. P. Meet Off to Dec. 27

An adjourned meeting of Paramount Publix creditors, scheduled for yesterday before Referee Henry K. Davis, was postponed to Dec. 27.

Coast Group In

Walter Wanger, accompanied by P. J. Wolfson and Allan Rivkin, arrived in New York late last night in a plane piloted by Roscoe Turner.

Majestic Film for Roxy

"You Made Me Love You," a Majestic release, has been booked into the Roxy sometime in January.

Trade Awaits Happier Days In Columbus

(*Continued from page* 1)

answer. Columbus is not alone in that wish, by a wide margin.

The only answer is a return to the days that were. Some think they are far removed; others don't expect them back at all. So it is Columbus merely moves along doing the best it can, hoping patience will bring in some dollars along with virtue.

One of the city's greatest mysteries, perhaps its greatest, is how the RKO Palace with its 3,000 seats gets by, particularly when it has such opposition as Loew's Ohio, also a 3,000 seater, with its pictures always and stage shows sometimes; Loew's Broad, 2,700 seats strong and acquired, like the Ohio, from Billy James a couple of years ago; J. Real Neth's Broad with its 2,000 seats and RKO's second house, the Majestic, which holds 1,000 when it can get them in. What two of the major circuits are doing with twins on their hands in a situation where support of one house for each would be something to get excited about is as much of a conundrum as the reason why the Palace was erected and tries to get 66 cents, including the 10 per cent state tax, after six o'clock using as the bait the stage show which supplements the usual first run picture. It works, but not well.

28 Neighborhoods Open

Making the waters rougher for the downtowners are 28 neighborhood houses, all of them open and all of them in the market to supply Columbus' 300,000 residents with celluloid entertainment. Prices at outlying houses range from 15 to 28 cents in averages, a factor which means plenty in times such as these when the public is constantly on the hunt for bargain shows.

There is some double featuring, no complaints on protection, but plenty on the awful truth that there is not sufficient business to keep the theatre industry here satisfied. The fact that an identical situation prevails elsewhere in the Middle West indicates company along these lines is plentiful, but Columbus says that doesn't help Columbus. And, of course, it doesn't.

Chief among local optimism forecasts are the Civil Works Administration's plans for the city and surrounding territory from which it draws. At the fixed $15 per week minimum, thousands of dollars, now out of circulation, are making and will make the rounds. Much of it is expected to end up in theatre box-offices.

Pete Wood on the Tax

Behind the new tax which originally precipitated a free-for-all among exhibitors throughout the state was the financial stringency in which the state government found itself. The treasury was $12,000,000 shy. The Reconstruction Finance Corp. had pledged half of the amount if the state raised the remaining 50 per cent. This led to a cosmetic and a beverage tax of 10 per cent from the first penny and, naturally, a theatre tax. In the case of beverages, the impost varied with the size of the bottles, in some instances going as high as 20 per cent. Of the differences in opinion which arose between the M. P. T. O. of Ohio and the Cleveland M. P. Exhibitors' Ass'n. on the admission tax, Pete Wood, business manager of the former, merely says:

"If all exhibitors had stuck together another 48 hours the tax would have been licked. Only they did not and that's the story."

The understanding both here and in Cleveland is that the probe launched to dig at the truth of the report the Cleveland association had spent $10,000 to defeat the tax has about spent itself and that there probably will be no revival. Against that is countered the opinion there is no way of telling how those things will go.

Regardless, however, of their troubles and their worries, local theatre men find enjoyment and respite in the Variety Club, an offshoot of the original club organized several years ago by John H. Harris in Pittsburgh.

In quarters at the Deshler-Wallick that are not large, but comfortable, the local fraternity gathers for a regular round of social life that marks the bunch here as a regular crowd. Clark of Paramount is the president, proudly disports a watch the membership has given him and an oil painting, which could be better, of himself on the club walls.

The officers and directors are diversified sufficiently to include all branches of the territorial amusement world. Russell Bovim of Loew's Ohio is first vice-president; J. Real Neth, Columbus' most important independent operator whose line-up includes the State, Clinton, Eastern and Cameo in the neighborhoods, is second vice-president; Tom Lawson, owner of the Valley Dale, a dance hall, is treasurer and H. E. Cherrington, dramatic critic of the *Columbus Dispatch*, is secretary. The officers are directors as are J. G. Tritsch, owner of Station WSEN; Leo Haenlein, one of the owners of Olentangy Park; Max Stearn, owner of the Southern and one of the owners of Olentangy; and Laurence Burns, owner of the Champion. Governor White, Mayor Whorley and Clarence Darrow are honorary members and occasionally drop in. That's something, says the club membership.

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Cincinnati will be covered next.

Exhibitor Is Named Next Toronto Mayor

Toronto, Dec. 22.—H. E. Wilton, exhibitor, has been elected mayor of this city for 1934. He is manager of the Strand, a Famous Players house, and has served as an alderman from Hamilton.

Ottawa will also have an exhibitor mayor in Paddy Nolan, owner of three theatres.

Powers Returning East

Hollywood, Dec. 22.—P. A. Powers, president of Celebrity Productions, left for New York today. He has been here conferring with Ub Iwerks on the production of the "Comic-Color Cartoon" series.

Postpone Amity Action

Examination of E. W. Hammons before trial of Amity Pictures' action to recover rentals alleged to be due on Tiffany pictures, rights to which were acquired by Amity, was postponed yesterday to Dec. 27.

GROUP PICTURE

How tender are the long, lingering memories a GROUP PICTURE brings back . . . Faces . . . Faces . . . Faces . . . Of congenial, pleasant, friendly people . . . An eternal, human landscape of a glorious, unforgettable few hours, dedicated in yesterday's case, to Charity and Service to humanity, the golden keys that open the padlocks of joy and happiness in the heart of the receiver . . . The A.M.P.A. Christmas Party GROUP PICTURES are a dollar each, half of which will go to the Film Daily Relief Fund. . . .

Send or Phone Your Orders to

FILM DAILY RELIEF FUND or MARTIN STARR

1650 Broadway
Tel. Circle 7-4736

International Beauty Pageant
729 Seventh Ave., BRyant 9-6024

Acknowledgement is made to Drucker and Baltes, photographers, for their generous part in helping make this percentage arrangement possible. . . .

Code Proffer "Powerless," Says Lowell

(Continued from page 1)

tice, based on block booking and blind buying, many of us asked to have checked by the motion picture code, but instead of that it has been given a certain legal sanction, and hence the position on the code authority, which I feel constrained to decline, is virtually that of a powerless onlooker at conduct which he can neither change nor improve. Moreover, it is expressly provided that he has a voice, but no vote."

Johnson replied that block booking had been upheld by the Circuit Court of Appeals, but that he felt Dr. Lowell could be of great public service, nevertheless. He expressed the opinion that the 10 per cent cancellation clause would remedy some of the conditions to which Dr. Lowell objected.

In replying to this Dr. Lowell said: "The right of exhibitors to cancel 10 per cent of the product is, they tell me, futile; because it is perfectly easy for the producers to put in 10 per cent of films which the exhibitors are certain to reject before reaching the objectionable ones.

"Your letter," he continued, "confirms my impression that the position on the motion picture code authority which you offer me would give no opportunity for exercising any useful restraint upon the production of films demoralizing to the youth, and especially the children, of our people; and that any report of existing evils would encounter as insuperable obstacles as did our petition against block-booking and blind-buying."

WASHINGTON, Dec. 22.—Hope that if Dr. A. Lawrence Lowell had actually determined not to serve on the Code Authority he would reconsider was expressed today by President Roosevelt as the White House disclosed that it is still without any notification from Lowell as to what course he will pursue, although newspaper dispatches not only announced his determination not to serve but published also the correspondence between him and General Hugh S. Johnson.

While Lowell in Boston was making the correspondence public, Johnson in Washington declared that he had not yet answered the last letter received from the educator and promised he would publish the correspondence upon its completion.

Poster Hearing Delayed

WASHINGTON, Dec. 22.—Postponement from Jan. 3 to Jan. 10 of the public hearing of the code for the theatrical poster exchange trade was announced today by the National Recovery Administration. While the code contains a number of trade practice provisions, it is understood that they will have little bearing upon the film industry.

Rosenblatt Arriving

Deputy Administrator Sol A. Rosenblatt arrives from Washington this morning to spend the Christmas holidays at his home in Great Neck. He returns to the Capitol on Tuesday.

Golden and Freuler Hold '34 An Opportunity Year

By JOHN R. FREULER

(Continued from page 1)

flective glance in the direction of our mistakes of the past—and realize that a repetition, under whatever auspices, will not guarantee immunity.

Majors and independents alike must be permitted to work harmoniously, with interlocking interests and a mutual objective—and there is room for all!

Not all pictures of the future can be great pictures—but each may have the benefit of wholesomeness, general appeal and satisfy the vital needs of the great international entertainment sense.

Surely 1934 offers great opportunity alike to producers, distributors, exhibitors—yet the difficulties along the bright new road may be most effectually surmounted by the industry's first principle showmen!

By EDWARD GOLDEN

(Continued from page 1)

the corner." Opportunities are knocking at the door of those who are willing to accept the responsibilities that are so necessary in life. Yesterday is gone. Tomorrow is almost here. Those of us whose faces are turned towards the East from which a new day comes every day, are filled with a keen appreciation that tomorrow has in store for us an appreciation of the responsibility of that tomorrow.

The NRA and the code are only incidents in the progress of man. We have a well-defined objective in the new year and that is—to be just a little bit better than we were in the old year.

No Code Action by New Jersey Allied

(Continued from page 1)

ond, not to sign; and last, to sign with reservations. Decision was left to individual exhibitors.

The Allied executive states there is nothing in the code which provides for exhibitor units signing the code and that is left to the operator to choose. The New Jersey unit will not hold another meeting before Jan. 10, deadline set for signing the code in order to become a party to it, and since no group action was sought, the organization will not sign, it is presumed.

Asked whether he would sign for his theatre, the Newton, Newton, Samuelson said he hadn't made up his mind yet.

IATSE Files Plaint Against Dubinsky

(Continued from page 1)

President William C. Elliott. The dispute concerns Dubinsky's Missouri, Electric and Orpheum theatres in St. Joseph, Mo., Croft said. Stage hands were pulled from theatres after the lockout of operators about a month ago, it is charged. John Nick, vice-president of the I.A.T.S.E., was in St. Joseph today seeking an amicable settlement, in which event the charges will be dismissed.

NRA to Send Out Salary Queries Soon

(Continued from page 1)

the film industry for the purpose of gathering data for its investigation of salaries is nearing completion, it was learned today. The forms will probably be distributed shortly after the first of the year.

The Administration's salary survey will not duplicate the study being made by the Federal Trade Commission, but rather will supplement it, since the commission is investigating salaries paid executives only, while the inquiry ordered by the President in his executive order approving the code will go into employes' salaries in detail.

Delaware-Maryland Men Sign the Code

(Continued from page 1)

represented must also abide by the code, it was stated, because it was signed collectively.

President A. Joseph DeFiore said the code should be given a fair trial before any condemnation was attempted and that members should carry it out in every detail.

A membership drive is planned before the January meeting.

Oklahoma Meeting Jan. 3

OKLAHOMA CITY, Dec. 22. — The Theatre Owners of Oklahoma holds its first annual meeting on Jan. 3 in the Oklahoma Biltmore Hotel here, at which it plans to adopt the code.

Million Rise in Labor Seen by M-G-M, Para.

HOLLYWOOD, Dec. 22.—It is estimated officially the cost of operating the M-G-M studio will go up $1,000,000 next year under the code, this going chiefly for labor. Paramount declares a similar increase will face it. Accounting departments are in the midst of feverish figuring to discover exactly how much the increase will be on the basis of the first week under code operation.

Tale of Erpi Control Of Loew's Denied

HOLLYWOOD, Dec. 22.—Denial comes from authoritative sources of a rumor placing Erpi in control of Loew's. The story is held to have grown out of what was merely a transferring of ownership of certain of the latter's stock to parties who held it as collateral. Erpi is said to hold some $3,000,000 of Loew stock, with several other firms holding similar blocks.

To Answer 'Elysia' Suit

BALTIMORE, Dec. 22.—Chief Judge Samuel K. Dennis of City Court here today signed an order requiring the Maryland censor board to answer by next Friday a suit filed by Master Arts Films appealing the rejection of "Elysia." The producers claim the nudist film is educational and helpful in health problems. Hearing is set for Jan. 3.

Sam Barck Declares Competition Unfair

(Continued from page 1)

tributors for alleged cancellation of his film contracts reaches a code grievance board is that he is the victim of unfair competition.

Barck contends that he runs pictures last run in his zone, getting them more than 100 days after availability. He also claims his contracts with RKO, Warners and Paramount permit 10 or 15-cent admissions at any time. He further contends that his contracts were fulfilled until competitors who charge 15 to 22 cents complained to distributors and threatened cancellation.

Paramount asserts its contracts provide for 10-cent admissions for matinees until 6:30 only and for children. Bookings were cancelled, Paramount states, when it was learned he was charging 10 cents from 6:30 o'clock to 7:30 o'clock. None of Barck's competitors are affiliated with circuits.

Warners and RKO insist their contracts provide for 15-cent minimum adult admissions at all times.

Cleveland Flareup Brings Out Denials

CLEVELAND, Dec. 22.—With independent circuits denying that they are overbuying and making countercharges that subsequent runs are violating the Cleveland protection plan, it is beginning to look as though code grievance boards will have plenty to do when they get started.

Oil was poured on the troubled waters at a meeting of the Cleveland M. P. Exhibitors' Ass'n. when it was denied that subsequents would bring charges against the independent circuits or that they would form a minority group within the association. Meyer Fischer says nothing of the kind is contemplated.

Cincy Orpheum to Open

CINCINNATI, Dec. 22.—The RKO Orpheum, suburban, dark for the past year, reopens Dec. 24 as a second run, playing four changes weekly at 15 and 25 cents for balcony and lower floor.

Joe Goetz, manager of the RKO Paramount, across the street, will also handle the Orpheum.

Buddy Winthrop, of the division office publicity department, has been made Goetz's assistant at the Paramount; Charles Robbins, chief of staff at that house, becomes assistant manager of the Orpheum.

After Sennett Studio

HOLLYWOOD, Dec. 22.—Majestic has a deal under way to lease the Sennett studios. Other deals are under way for studio space, but nothing will be completed until after the first of the year. The company has eight of 12 pictures yet to go for this season and plans to make one a month, production to get under way next month on the first.

Bennett to M-G-M

HOLLYWOOD, Dec. 22.—M-G-M has signed Constance Bennett for one picture. Bernard Hyman will produce.

Date "Dinner at Eight"

"Dinner at Eight" has been booked into the Capitol starting Dec. 29.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 148 NEW YORK, TUESDAY, DECEMBER 26, 1933 TEN CENTS

Dry Agitators, Out of Jobs, Gunning for Films

Attack Probably Will Concentrate Out of Washington

WASHINGTON, Dec. 25.—Long hairs and "blue noses" quietly have been plotting a surprise Christmas gift for the industry. It is confidently expected to take the form of a series of attacks on films from censorship and morality angles on a national scale and may be expected to break into the open before 1934 passes out of its swaddling clothes.

The death-knell of prohibition is the explanation. Dry agitators, who for 14 years lived well and waxed fat on funds drawn from those of the public who had committed themselves to the prohibition plank now find themselves out of jobs and no place to go. They plan, therefore, to pick in wholesale on films and in all ways possible to make capital of argu-

(*Continued on page* 15)

Press at Some Code Authority Meetings, But Not at Others

The press will sit in at Code Authority meetings and then again it will not. It all depends on what's on the tapis.

Since the Code Authority's two main functions will be administration and to act as a court of appeals, the press will find the doors shut tight when discussions deal with administration. However, when the board sits as a court, leg men will be invited to report the proceedings.

At the Jan. 4 session of the board, administration only will be discussed, and hence reporters will act as a reception committee.

Expect Flinn To Get Code Authority Job

Appointment Looked For At Next Meeting

Appointment of John C. Flinn of Paramount as secretary of Code Authority, a government post which pays $12,000 a year, in all probability will be made at the next session of the board, slated to be held Jan. 4 at the Bar Association Bldg. in New York.

John C. Flinn

Flinn's name was advanced by major representatives at the initial Code Authority session last

(*Continued on page* 15)

Pre-Holiday Slump Hits Coast Studios

HOLLYWOOD, Dec. 25.—Due to the pre-holiday season, with producers reluctant to have many pictures overlap the three-day Yuletide celebration, production activity took a nosedive for the week ending Dec. 23, with but 32 features and nine shorts in work as compared to 36 and 13 for the previous week.

Resumption of normal activity is indicated by a total of 20 new features in final preparation scheduled to start shortly after the first of the year. Features in the cutting room

(*Continued on page* 2)

Lesser Organizing 16mm Selling Plan

HOLLYWOOD, Dec. 25.—Having acquired the exclusive American rights to a printer that will reduce 35 mm. film to 16 mm., Sol Lesser says he will launch an international selling organization to distribute 16 mm. film to schools, colleges and scientific

(*Continued on page* 15)

Coast May Ban 30% Of Foreign Writers

HOLLYWOOD, Dec. 25.—Investigation into complaints of petty chiseling imposed upon many members of the picture colony by alleged foreign correspondents will result in the discon-

(*Continued on page* 16)

Kansas City Group Picks Board Names

KANSAS CITY, Dec. 25.—Nineteen names have been submitted by Independent Theatre Owners of Kansas City for membership on the code zoning and clearance and grievance boards in Kansas-Western Missouri. Nominations were sent to Division Administrator Sol A. Rosenblatt, and to Charles L. O'Reilly and Nathan Yamins.

For appointment on both boards as a member not connected with the in-

(*Continued on page* 15)

Fox-Lloyd Selling Deal Is Completed

Negotiations have been completed for the release of Harold Lloyd's future films by Fox. The first under the new deal will be "The Cat's-Paw," based on a Clarence Budington Kelland story.

The new deal was handled by William R. Fraser, general manager for the Lloyd Corp. and S. R. Kent and John D. Clark for Fox. Leslie Whelan, who was on the coast during part of the negotiations, returned

(*Continued on page* 15)

M-G-M Dropping All "Garbo Returns" Ads

Because "Garbo Returns" in advertising of "Queen Christina" had been construed by exhibitors as a reissue, M-G-M has taken out all reference to "returns" in posters and other advertising accessories. The company was forced to discard a number of posters when ads appearing in trade papers referring to the return of Garbo

(*Continued on page* 2)

Pickford-Griffith At Biograph Party

Mary Pickford and D. W. Griffith, both of whom were identified with the old Biograph Co. during its heyday, will be guests of honor at a reception tomorrow afternoon to mark the reopening of the completely modernized and rebuilt plant.

Others scheduled to attend include Amelia Earhart, Fannie Hurst, Henry Hull, Moss Hart and Nancy Carroll.

For Cleaner Advertising; Unworried About Foreign

By FRED S. MEYER
President, M.P.T.O. Wisconsin

MILWAUKEE, Dec. 25.—My creed for 1934:

Resolved, that we of the motion picture industry: Pledge our continued support and have unlimited faith in President Roosevelt. Believe in the NRA and all it purports to accomplish. Live up to our code as now set up or as it may be hereafter amended. Insist upon rigid, impartial enforcement, without fear or

(*Continued on page* 2)

By FREDERICK L. HERRON
Treasurer and Foreign Manager, M. P. P. D. A.

There is no challenge to America's leadership in the production of outstanding motion picture entertainment as the industry enters 1934.

Improved financial and employment conditions in many of the countries of the world, the firm hold which the screen has taken upon the imagination of all peoples, and the constantly higher standard of entertainment con-

(*Continued on page* 2)

The New Biograph

A section devoted to the new Biograph Studio in the Bronx, latest to throw its hat in the ring of eastern production, starts on page 3 in this issue.

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FitzPatrick Talks Release with M-G-M

James A. FitzPatrick is negotiating with M-G-M for release of 12 musical shorts which the former is producing at the local Fox studio with RCA Photophone sound apparatus.

Production on the first of the series, "Tschaikowsky," has been completed and work will start shortly on "Schubert." The musicals are in addition to the 12 travelogues produced annually.

M-G-M Dropping "Garbo Returns" Ads

(*Continued from page* 1)

brought exhibitor complaints.

If "Queen Christina" is not released by May 28 next, it will mark a two-year absence of Garbo from the screen. Her last picture was "As You Desire Me" and was generally circulated May 28, 1932. The picture opens tonight at the Astor. Whether it will be roadshown depends on its performance at the Times Square spot.

"Miss Fane's Baby" Release Set Ahead

HOLLYWOOD, Dec. 25.—In order to cash in on the headline news of recent kidnapings, Paramount has moved up release date on "Miss Fane's Baby Is Stolen" to the first week in January. The studio also changed Rupert Hughes' original ending in the story to a happy one, visualizing a negative audience reaction to seeing Baby LeRoy killed.

For Cleaner Advertising; Unworried About Foreign

By FREDERICK L. HERRON

(*Continued from page* 1)

tent in the pictures, promise a successful year for the industry in the foreign field.

The fact that the industry produces a world product and commands a world market has given obvious advantages to its operation abroad at the present time. By far more important is the fact that outstanding American films now depicting the great events of history and the recognized classics of our literature and the stage are setting a world standard for quality which means true prosperity for the industry.

By FRED S. MEYER

(*Continued from page* 1)

favor. Observe the clause pertaining to clean advertising so that we may not have police regulations confronting us. Work in closer harmony with the Better Films Councils. Exploit every attraction for all it is worth. Give proper recognition to the short subject. Play outstanding productions for as long as attendance merits. Get back in the show business.

The foregoing is my creed of 10 points. I have no sympathy for the chiseler, the conniver or the unscrupulous exhibitor who lies awake nights figuring out how to beat the code or how to get an edge on his competitor.

I pledge my best efforts and continued assistance in behalf of my fellow exhibitors who want to stay in business and want to see the theatre remain a business institution, not a grocery store or exchange for rackets.

Col. Doing Music Retakes

HOLLYWOOD, Dec. 25.—Columbia is shooting retakes and added scenes on "Let's Fall in Love," with Victor Schertzinger stepping into the directorial post formerly filled by David Burton.

The additional scenes are musical and the studio makes the switch because of Schertzinger's musical background.

Rubber to Film

Hollywood, Dec. 25.—This is a perfect Hollywood story. Several days ago Jay Lloyd crashed the M-G-M gates to sell tires. Someone saw him and thought he was good screen material. The next day he made a test and today he has a long term contract.

Pre-Holiday Slump Hits Coast Studios

(*Continued from page* 1)

total 49. This does not indicate any cessation of cutting room congestion, with 43 reported for the preceding week.

M-G-M heads the list of major studios for activity with eight features in work, two preparing and 10 cutting. Paramount and Warners follow with five each in work. Former has two in preparation and eight cutting. Warners have one preparing and five cutting.

Fox reports four, four and five; Radio, three, zero and eight; Columbia, two, two and two; United Artists, one, zero and four; Universal, zero, one and two; independents, four, eight and five.

Shorts in work are: M-G-M, one working, one preparing and two editing; Roach, one, zero and three; Universal, zero, one and two; Columbia, two, one and two; Radio, zero, two and four; independents, five, four and six.

Milwaukee Union Signs

MILWAUKEE, Dec. 25.—Local exhibitors have reached a wage scale agreement with the operators' union without any changes in wages being paid operators in classes 1, 2 and 3. Increases have been made, however, in classes 4 and 5 with booth costs now set at $52.50 per 36-hour week in class 5 and $63 in class 4 houses. The contract is for one year.

Trading Light—Slight Decline

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24	24	24	.....	100
Consolidated Film Industries	2¾	2¾	2¾	+ ¼	200
Consolidated Film Industries, pfd	10½	10½	10½	— ⅛	100
Eastman Kodak	80	79	79¼	— ¾	300
Fox Film "A"	12⅞	12⅛	12⅞	+ ⅛	200
Loew's Inc	29¾	29¾	29¾	— ¼	1,500
M-G-M. pfd	20	20	20	+2	400
Pathe Exchange	1⅝	1⅝	1⅝	— ⅛	100
RKO	2⅛	2	2⅛	.....	300
Warner Bros	5⅛	5	5	— ¼	1,100

Trans Lux Up Five-Eighths on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	3/16	3/16	3/16	.....	100
Technicolor	8¾	8¾	8¾	.....	100
Trans Lux	2½	2	2½	+ ⅝	700

Bond Market Shows Slight Gain

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	2⅞	3¼	+ ¼	5
General Theatre Equipment 6s '40, ctf	2½	2½	2½	+ ⅛	4
Keith B. F. 6s '46	52	51⅞	52	+2	6
Loew's 6s '41 ww deb rights	82	82	82	— ¾	1
Paramount Broadway 5½s '51	29½	29⅛	29⅛	—1⅛	20
Paramount F. L. 6s '47	28¾	28⅝	28⅝	+ ⅛	3
Warner Bros 6s '39 wd	39¼	38½	39¼	.....	20

(Quotations are as of Saturday, Dec. 23.)

Purely Personal

MAX MILDER, managing director for Warners in Great Britain, arrived in New York Saturday on the *Manhattan*. He expects to be here for a week.

LOU METZGER, having left one summy clime—San Diego—is planning a vacation in another—Florida—before returning to the coast.

GENE RAYMOND reached town Sunday on his way to Europe. IVAN LEBEDEFF came in on the same train for a holiday visit here.

JACK COHN, Columbia vice-president, and his family are on a cruise to Nassau, Jamaica and Panama on the *Roma*. They left Saturday.

GEORGE BROXBOURNE and ALFRED POZNAMSI have sold their unproduced play, "Ladies Should Listen," to Paramount.

MRS. PHIL KAUFMANN, widow of the late PHIL KAUFMANN, has arrived from Europe.

ARTHUR E. RUSICA, Fox manager in Chile, gets into town today on the Grace liner *Santa Clara*.

J. J. UNGER is the latest addition to GOVERNOR RUBY LAFFOON'S Kentucky colonels.

QUEENIE SMITH has been signed by Vitaphone for a musical.

Came the "Dawn"

The Little Carnegie yesterday marked the opening of "Dawn to Dawn," the Josef Berne production, with an "all-independent" program. Sponsors at the opening performance included Berne, Sinclair Lewis, Leopold Stokowski, Gilbert Seldes, Morris Gest, Arthur Garfield Hays, Dr. A. A. Brill, John Sloan, Cornelia Otis Skinner, William Zorach and Louis Alber.

MacFadden Gets 'Follies'

HOLLYWOOD, Dec. 25. — Hamilton MacFadden has replaced Eddie Sutherland as director of "Fox Follies."

THE MAYFLOWER
61st STREET, (Central Park West)
New York City

CONVENIENT TO THE FILM AND THEATRICAL CENTER

1-2-3 Rooms. Full Hotel Service
FURNISHED OR UNFURNISHED
By the Year, Month or Day

Serving Pantries
Electric Refrigeration

JOHN W. HEATH, *Manager*

Not Covered in Any Code

THE code may tell the industry how to go on double features, the right to buy, designated playdates, picture cancellations, score charges and the like, but it won't, because it cannot, supply any cure-all for quality production. The keystone of the entire celluloid structure rests on what the public gets from the screen. And that's a job for the business itself to handle.

Waging a difficult fight against Hollywood's indifference and obstructionist tactics, against technical facilities in studio, camera and sound which are not all they should be, against labor unions which are not as cooperative as they might, there is, nevertheless, building up slowly and surely an answer to the one vital issue which the code cannot furnish. It is Eastern production.

▲

HOLLYWOOD will continue to remain the chief stamping ground. Any idea designed to interest the major companies in pulling up stakes for a trek Eastward would be as futile as it would be pointless. The Gold Coast has the edge, for whatever the reasons may be and so it will continue.

Out of its complete dominance of the situation, however, have grown practically all of the evils which bedevil production today: provincial, insular points of view and dictatorship complexes which decide the road down which a nation's entertainment is to travel; nepotism, cliques and claques and a social system that is vicious of itself and, what is more to the point, vicious because of the consequences it heaps on the commercial task of turning out pictures that will make investments profitable.

Hollywood is the big "I am," the great "know all," the land of cloud walkers. As long as its supremacy remains unchallenged, just so long will the industry continue to take it where it hurts most.

▲

PRINCIPALLY because the tail has been wagging the dog has Hollywood been successful in maintaining its divine right of production. Whatever is determined for the rest of the picture business usually is forgotten, sidestepped or soft-pedalled when the West Coast is discussed. As matters stand today, the policy is a very sound one.

For Hollywood runs along without the competition necessary to awaken it. Hollywood never seriously arouses itself because it has had nothing to worry about. The conclusion of all this is something pretty swell for the coast, but economically serious for the industry.

NOT only by virtue of the fact that New York is headquarters for the country; that Hollywood sends its scouts to Broadway when it wants new talent; that in Gotham is the center of art, literature, life and living does some part of production rightfully belong here. Three thousand miles away, that it may be, Hollywood and how it is going are plenty of reason for a studio revival in the East. The coast, for its own good, needs to know that studios and picture makers somewhere else on the map are fairly, but squarely, gunning for some of its long undisputed honors.

When Hollywood turns out bad pictures, the inherent right of New York for a real place in the production sun merely accentuates itself. When Hollywood turns out good product, it still needs a check, lest all traces are kicked over in the adulation that has a habit of following performance in this business.

▲

NEW YORK may not make better pictures than the coast. Certainly all factors being equal, it can make them as well. Carry the argument further and what do you get? Let's assume Eastern product falls below the Hollywood standard. The fundamentals don't change and by that is meant merely this:

That it would prove profitable for the major companies to produce part of their output in New York even if the results are disappointing. The constant questioning of Hollywood's supremacy as a production center thereby will be sufficient to keep determination high, the will determined to keep on the coast the halo which now surrounds its august habitants.

Hollywood is too tight a community, too set in its ways, too satisfied with its status. It needs to be jogged out of its complacency for its own welfare and for the welfare of the industry as well.

▲

GAINING impetus now as you read this is a revival of production in New York. There are technical crudities to overcome, but they will be surmounted. There is no patent, neither is there any mystery about turning out film. Eastern production, therefore, will reach its stride—quickly if Hollywood stops throwing curves; slowly if it does not.

The move is on the way more seriously than in some years. It deserves to be encouraged for the good that is in it and for the indisputable quickening in quality production that will follow in its wake.

KANN

MOTION PICTURE DAILY, Oct. 3, 1933

AND tomorrow the New Biograph Studio throws open its doors in the latest of the moves in what is the rapidly-growing trend to return to New York and the east the place of importance which they deserve in the production scheme of things.

The NEW BIOGRAPH MAKES ITS DEBUT

By SHERWIN A. KANE

THE Biograph studio, rich in the history of the industry and the personalities identified with its growth, reopens with the beginning of 1934. Built in 1908, the studio was the home of highly important production activities for the next 20 years. The lights went down on its stages last in 1927, when the old First National wound up its final production there, was combined with Warner Bros. and transferred its producing activities to Hollywood, where the dawning era of sound had ushered in a new period in the industry's growth.

In the nearly 20 years between its opening and the coming of sound, some of the most spectacular careers in filmdom were begun, reached their climax or faded completely by and in the work done within the walls of Biograph. To Biograph in 1908 came D. W. Griffith with his first idea for a motion picture, a film version of the opera "La Tosca." Unsuccessful in his first bid for screen enterprise, Griffith returned to Biograph the following year and remained to carve out one of the screen's first and most impressive careers.

After him came such early film notables as Florence Lawrence, later advertised as "The Biograph Girl"; Arthur Johnson, James Kirkwood, Lottie Pickford, Mary Pickford, Herbert Yost, Mack Sennett, Joe Graybill, Marion Sunshine, Jeanie McPherson, Henry Walthall, Frank Powell, Marion Leonard, Mabel Normand and Florence LaBadie. Sarah Bernhardt and John Barrymore were others who faced the cameras on the Biograph lot.

Through the years intervening from 1927 to 1934, while the rest of the production centers were suffering the growing pains brought on by sound, the Biograph studio remained silent and untenanted. With all the hectic period that marked the industry's transformation from silent to sound pictures well in the past, the Biograph studio opens again, equipped with the latest improvements for talking picture production, fitted out from basement to roof-top studio with all the paraphernalia of present day production as approved in the 1934 studio handbook.

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THE Biograph studio is a hive of activity during these numbered days just prior to its scheduled reopening. Contractors and their workmen have had possession of the three main buildings for the past three months, altering and replacing accommodations and equipment. The work is scheduled for completion today, and film industry luminaries have been invited to inspect the results at a reception tomorrow. There will be a week of comparative quiet at the plant, after which, on Jan. 2, Chester Erskine and his production company move into the plant to begin work on the first sound picture to be produced in the historic and now rebuilt Biograph studio. The production is "Frankie & Johnnie," and will probably have Tallulah Bankhead and Helen Morgan in its leads.

Presiding over all this preliminary activity has been Robert H. Hammer, a pioneer at Biograph since its 1908 beginning, and former vice-president and general manager of the studio. He will continue in an executive supervisory capacity under Biograph's new regime, having charge of studio administration and renting of facilities to producers. A number of assistants also endowed with old Biograph experience will be associated with Hammer, although the ranks of technical help will be made up of newcomers proficient in the new methods of production which were unknown to the original Biograph plant.

The old-timers at Biograph reveal a justifiable pride in the newly outfitted studio. To them, there is nothing in Hollywood, and consequently, nothing in the production world anywhere, that excels the new facilities with which the new Biograph studio has been equipped. On a tour of inspection of the plant they will point out to the visitor scores of gadgets and contraptions which, they say, are still unknown to some Hollywood studios.

There is plenty to be seen at the new studio and its warders hold out nothing. Beginning an inspection tour at the administration building which fronts on 175th Street, adjacent to the Bronx's Crotona Park, the visitor is started at the basement which houses commodious rooms and storage spaces for equipment and props; complete carpentry and machinery rooms for filling the set designers' requirements, and the enormous ventilating system that pumps fresh air into every section of the studio and, in hot summer weather, cools stages, offices and rehearsal rooms. Here, too, is located the heart of the fire signal and sprinkler mechanism, representing the latest development of its kind, which operate throughout every nook and cranny of the extensive plant. Nearby, in this lower level of the administration building, is one of two light control boards, which operate every lighting unit and electrical appliance in the studio, as well as the signal system for silence which flashes into use in all sections of the studio building when sound shots are being taken. A second light control board for emergencies is located in the power house adjoining the studio itself.

On upper levels of the administration building are business offices for the studio's permanent staff; reserve offices for tenant producers and directors; a fully equipped, modern projection room of comfortable proportions and fittings; the "barber shop" where make-up artists will practice their magic, so-called because of the room's barber chair fittings. In this section of the studio, also, are rehearsal rooms, cutting rooms, film vaults and a restaurant. On the roof is a gymnasium for the use of players.

Connecting directly with the administration building is the studio building proper. The principal features of the four-story structure are its two large stages and the intervening floor between them given over to dressing rooms. The lower stage occupies the second floor of the studio building and measures 118 feet long by 77 feet wide, and with 22 feet of headroom. "Blanket" sound proofing is used throughout the entire stage. It has been outfitted with every appurtenance known to modern production methods, which aid in making the work of camera and sound crews of the highest efficiency. A model monitor's booth is the pride of the studio guide, although he will also comment pridefully on the sun-arcs which use 10,000 watt incandescent bulbs of the latest silent type.

The upper stage on the top, or fourth floor of the studio building also measures 118 feet by 77 feet, but has an average headroom of 28 feet, which includes 32 feet of headroom at the center of the stage for a width of 46 feet and for the entire length of the stage. It is equipped in much the same manner as the lower stage, but offers the further advantage of greater headroom.

Connecting with both stages are cameramen's "dark" rooms for loading magazines. A passenger elevator and a freight elevator, the latter capable of carrying an automobile truck, serves both upper and lower stages. Both stage floors are constructed of steel, brick and concrete, of exceptionally heavy design to care for extra heavy floor loads. In addition to being fireproof throughout, they are sound-resisting and free of all vibration. Both stages are equipped with the latest RCA sound recording apparatus, and RCA reproducing equipment is also used in the "preview," or projection room.

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COMMODIOUS dressing rooms and washrooms occupy the entire third floor between the two stages, all newly decorated and equipped. The south half of the floor is given over to the women's quarters and the north half to the men's quarters. For each, there are accommodations for four stars, 16 featured players and an indefinite number of extras. Stars rate individual outside rooms with comfortable furnishings. The professional distinction between a star and featured player is reflected here by the location, size and fittings of the quarters designed for the latter classification, which, although their quarters are individual, are smaller, inside rooms, furnished with just slightly less a flourish of hauteur. The featured players' rooms, however, both women's and men's, are so designed that they can be toned up a bit if an emergency created by an "all-star" production ever came into being and demanded additional quarters for the unusual number of stars. "Like in Marie Dressler's picture, 'Dinner at Eight O'Clock'," the guide amplified explicitly, although a little erroneously.

The further professional line of distinction between featured player and extra is also evidenced on this floor, in this instance by a wall which separates the private dressing rooms of the featured players from the line of wall mirrors, dressing shelves and chairs set in front of them, which comprise the extras' quarters. A line of lockers is centered in the room, with the dressing shelves and facilities on either side. Although hardly of an "exclusive" classification, the extras' quarters are commodious, efficient and comfortable.

The men's quarters, similar in arrangement to the women's, carry out a more repressed decorative scheme. "That's because men are not so fussy as women," the guide explained. "Actresses don't like this or they don't like that; there's not enough light or there's too much light. There's no pleasin' 'em. They're forever wantin' the color of the ceiling changed or a new piece of furniture stuck in their room. Men just sit down and get ready for work and when they're through they sit around smokin' and talkin'. They're easy to please."

An addition to the dressing quarters new to the old Biograph layout are the musisians' quarters. Musical directors have rooms of their own and storage places and files for music. Their rank of importance in the new scheme of talking picture production at Biograph is illustrated by the size and location of their quarters—they are roomy and adjacent to the rooms set aside for male stars.

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BOTH stages and all floors of the studio building are connected with the administration building, which is located directly in front of it. To the rear of the studio building is the power plant, a model of up-to-the-minute equipment.

(*Continued on page* 15)

Short is the airline distance between the new Biograph studio and Times Square, the theatrical heart of New York. Short, as well, is the distance by subway or by motor.

Announcing
THE
GALA OPENING
on DECEMBER 27th of
the NEW
BIOGRAPH STUDIOS
807 East 175th Street
New York
the WORLD'S
FINEST STUDIOS
Definitely Establishing
New York Production
on a Large Scale and
on a Sound Business
Basis

We Extend Our
Sincerest Good Wishes
to

BIOGRAPH STUDIOS, INC.

J. E. BRULATOUR, INC.
EASTMAN FILMS
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PRODUCERS!

The Sound Recording is

High Fidelity

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NEW

BIOGRAPH STUDIOS

It is fitting that productions in these great modern studios will be recorded by the most advanced Hollywood methods with the world's finest sound system—*High Fidelity* Sound, by RCA Victor

RCA VICTOR

CAMDEN, N. J.

A Radio Corporation of America Subsidiary

THE BIOGRAPH STUDIO EMERGES IN NEW DRESS

Left—
One of the Mole-Richardson rolling camera tripods.

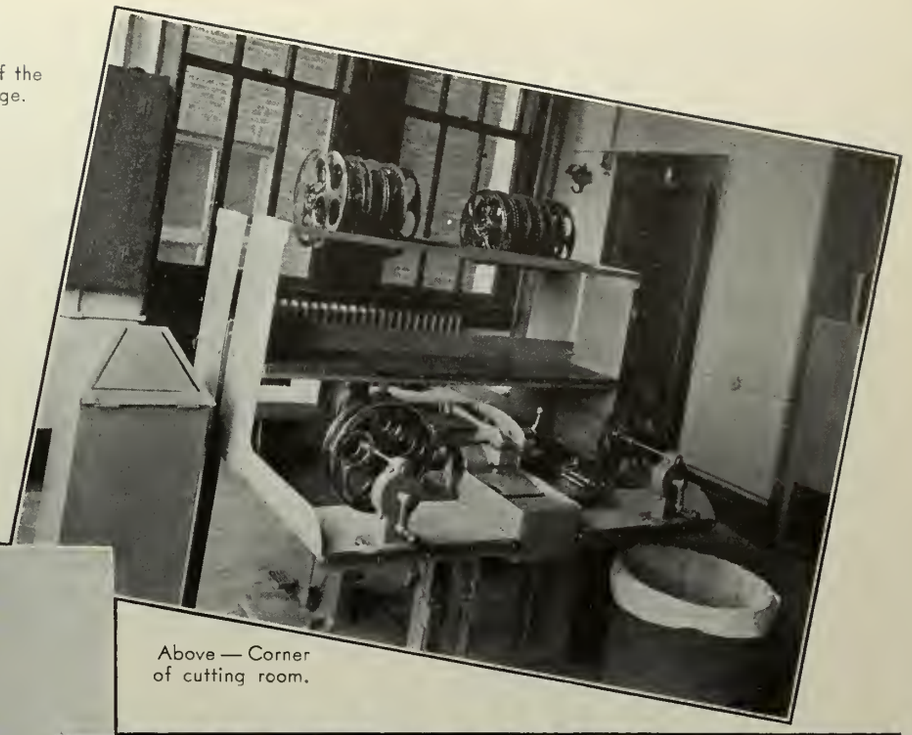
Below—
Projection room, RCA "High Fidelity" sound-equipped.

Cutting room from another angle.

Above—
Exterior of the Biograph Studio.

Right—
Some of lighting equipment.

Left—
Long shot of the
upper stage.



Above — Corner
of cutting room.

Above — Typical
microphone boom
and sound booth.

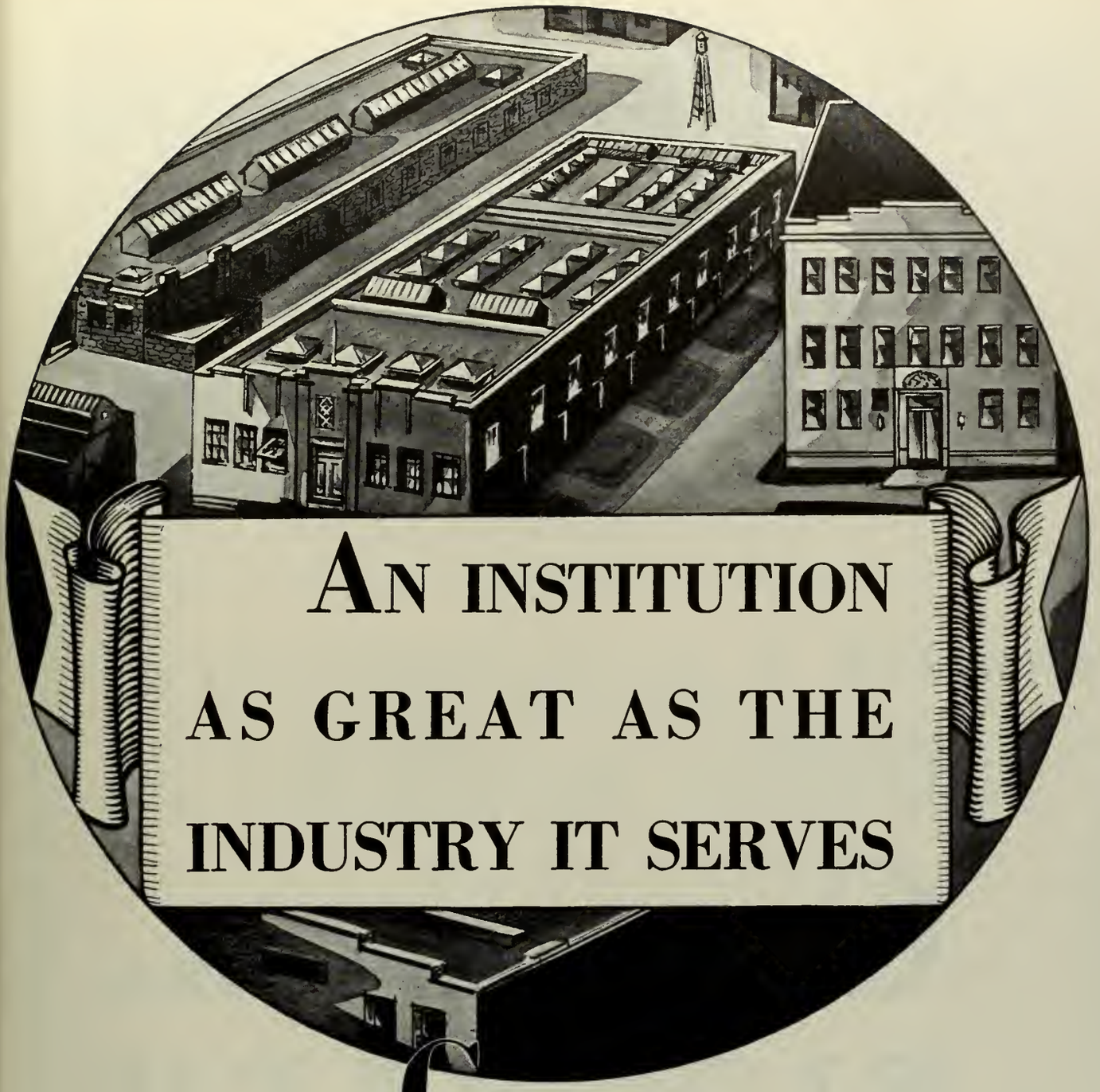
Showing full
depth of the
lower stage.

Congratulations to the

BIOGRAPH STUDIOS, INC.

from

EASTMAN KODAK CO.



AN INSTITUTION AS GREAT AS THE INDUSTRY IT SERVES

CONSOLIDATED PARK was planned to anticipate the growing needs of a great industry. It has changed film printing from a craft to a science. Every known scientific device is employed to assure controlled results. Skilled technical and chemical engineers are constantly seeking means to make Certified Prints even finer than they are. So huge is the capacity of Consolidated Park that more than a billion feet of film prints, upwards of 10,000,000 stills and over 20,000,000 photo-gelatin lobby displays can be produced each year. For its size, equipment and its many contributions to the science of film printing, Consolidated Park has *earned* its reputation of "world's greatest film laboratory"

CONSOLIDATED FILM INDUSTRIES, INC.

NEW YORK HOLLYWOOD

Welcome to the Industry . . .

BIOGRAPH

IT'S a long time, Biograph, since *we* opened. For in a few weeks we celebrate our twenty-fifth anniversary. Since 1909, when we established our business, the science of making motion pictures has advanced tremendously. The Philip A. Hunt Company has kept pace with this progress and throughout the years has supplied the industry with the photo chemicals best suited to its changing needs. Film laboratories known for quality production buy their photo chemicals from Philip A. Hunt Co.

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Established 1909

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Congratulations
BIOGRAPH

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We extend our sincere good wishes for the complete success of your enterprise.

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TO THE NEW

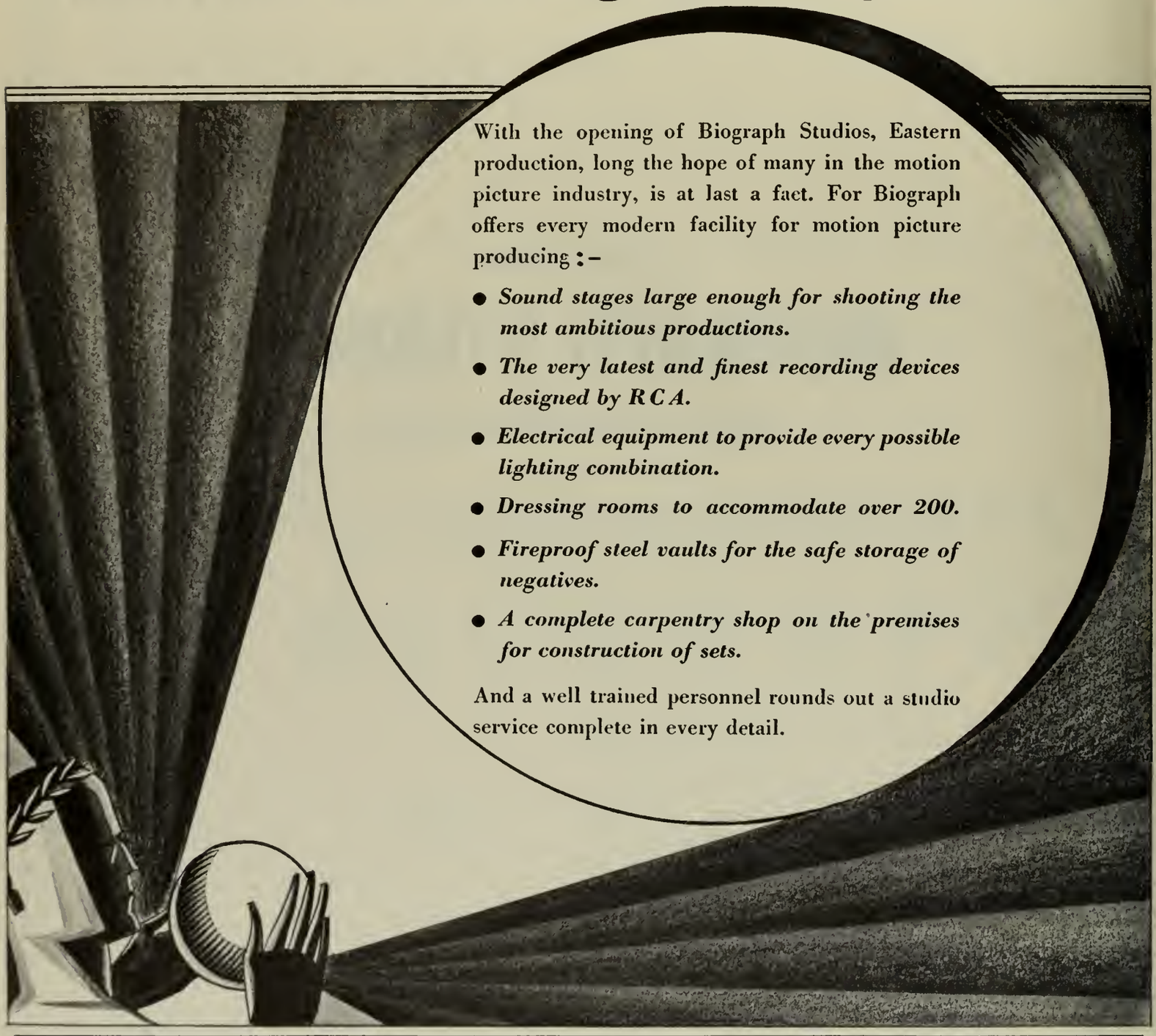
BIOGRAPH STUDIOS

AND ITS MANAGEMENT

MONOGRAM PICTURES CORP.
RKO BUILDING ~ ~ ~ ROCKEFELLER CENTER
W. RAY JOHNSTON, *President*

BIOGRAPH STUDIOS

offer producers the most modern facilities for making motion pictures



With the opening of Biograph Studios, Eastern production, long the hope of many in the motion picture industry, is at last a fact. For Biograph offers every modern facility for motion picture producing :–

- ***Sound stages large enough for shooting the most ambitious productions.***
- ***The very latest and finest recording devices designed by RCA.***
- ***Electrical equipment to provide every possible lighting combination.***
- ***Dressing rooms to accommodate over 200.***
- ***Fireproof steel vaults for the safe storage of negatives.***
- ***A complete carpentry shop on the premises for construction of sets.***

And a well trained personnel rounds out a studio service complete in every detail.

BIOGRAPH STUDIOS · INC.

807 EAST 175th STREET • NEW YORK

Dry Agitators, Out of Jobs, Gun for Films

(Continued from page 1)

ments on salacious films and salacious advertising.

Several organizations which had been devoting their activities to the unsuccessful fight against the return of legal liquor face extermination unless their mentors can develop in a hurry an excuse to continue. They think they have got it in motion pictures.

BUFFALO, Dec. 25.—"All decent-minded people should boycott the moving pictures, which I believe are accepting huge cash subsidies from the brewers and distillers in an effort to fasten the drink habit upon the nation," Capt. Edward Page Gaston, F.R.G.S., of London, founder of the World Prohibition Federation, said at a "new crusade" banquet of W.C.T.U. leaders in Buffalo.

"Every film I have seen lately plays up the jollity of alcoholism before audiences made up largely of impressionable young people."

Musicians Will Get Baltimore CWA Jobs

BALTIMORE, Dec. 25.—Thirty dollars a week each will be paid to 85 white and 50 colored professional musicians to work on a 30-hour week basis. The men will be drawn from the 16,000 men allotted for employment for the Civil Works Administration in Baltimore.

Judge Thomas S. J. Waxter of the Juvenile Court and CWA director in Baltimore explained that musicians are just as much eligible for work under the CWA as educators and others. The plan has been endorsed by Harry L. Hopkins, Federal Relief Administrator in Washington, who says he would like to see the scheme made nationwide. Oscar Appel, president of the musicians' union, said that 100 per cent cooperation would be given F. R. Huber, municipal director of music in plans he has submitted to the CWA.

United Newsreel to Have 20 One-Reelers

Twenty one-reel shorts are planned by United Newsreel Corp. for release through state rights exchanges. Of this number 13 will be known as "Broadway Gossip" and seven will be known as American Explorers. The latter group deals with interesting highlights of important cities, such as New York, Washington, Philadelphia, Boston, Chicago, New Orleans and Los Angeles.

V. Warrington Herz is president of of music, in plans he has submitted to president and treasurer.

Weeks in New York

George Weeks is in New York from the coast, having driven east to spend the holidays with his children. Weeks is currently out of the business and is practically recovered from a siege of arthritis which has kept him thinking about his health in the last two years.

The NEW BIOGRAPH MAKES ITS DEBUT

(Continued from page 4)

It has concrete-lined, elevated coal bunkers of 800 tons capacity, from which the coal is fed by gravity to the boilers. The equipment consists of four horizontal water tube boilers. 150-foot brick chimney, coal and ash conveying machinery and the usual motor-driven pumps, all with ample reserve capacity. Adjacent to the power house are two elevated water tanks, each of 30,000 gallons capacity, one on a 60-foot tower, and the other on a tower 100 feet high to meet high pressure requirements.

Steam for the heating of all buildings is supplied from the power house and there are ample provisions for any future building extensions.

The electrical equipment of the power plant consists of motor-generator sets, switchboards and auxiliary apparatus capable of delivering all direct and alternating electric current requirements. Transformer equipment is in a separate fire-proof vault. Essentially, every bit of the power house equipment is newly installed.

The administration, studio and power plant buildings will constitute the operating units of the Biograph plant on its reopening. There is, however, a fourth large building on the lot, but this will not be placed in operation until activities at the studio require it. The fourth building is of four floors and a penthouse. In it there is a laboratory, space for extra dressing rooms, wardrobe and property rooms, carpenter, paint and machine shops and scenery storage space. There is also additional storage space and six film storage vaults. At the west side of this building and entirely separate from it there is a one-story brick and concrete fireproof vault structure.

Every unit on the lot is of fireproofed construction and of structural detail conforming to the highest type of building practice. Every unit is built on solid rock. The property is located in a residential neighborhood, free of all factory, railroad and heavy traffic dirt and noises.

Hammer, Biograph's veteran general manager, made a detailed study of production facilities in Hollywood before work was begun on the reopening of the studio here, and views the completed Biograph plant as offering everything available to producers anywhere. He also regards the New York location of eastern production as advantageous in itself to producers.

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"EASTERN production," he said, "has natural advantages which cannot be matched anywhere else for efficiency, economy and conveniences. Now it also offers all the technical facilities that are used for production of any type of picture.

"The producer working in the east is nearest to the source of story material in both book and play form. He can investigate these sources and choose among them for himself. He is at the center of the greatest skilled labor market in the world and close to all the technical developments which occur in the industry. He is near to the greatest new talent source in the world, which is the New York stage, and there is also available to him the proven and established players of the stage.

"The eastern producer," he concluded, "also has advantages in his nearness to the finest film laboratories in the world; to the source of supply of raw stock, and to the film distribution headquarters of the world. In addition to these natural advantages, we believe the new Biograph studio offers the producer every physical accommodation and technical improvement known to production today."

Erskine to Produce 12-15 at Biograph

Between 12 and 15 pictures will be produced by Chester Erskine at Biograph within the next three years, the producer tells MOTION PICTURE DAILY. With "Frankie and Johnnie" set as the initial working vehicle, production of which gets under way Jan. 2, Erskine is now looking over the current list of available plays and books for his second. He said financing is set. Releasing deals for his product are now under way, the producer stated, and he expects to sign contracts shortly.

Erskine recently completed "Midnight" at Biograph. This was his first independent venture in pictures. His first association in the field took place several years ago when he worked with Lewis Milestone during production of "Rain." He then started on "Hallelujah, I'm a Bum" for United Artists, but Lewis Milestone completed the Jolson vehicle.

His theatrical career started at the age of 20, when after majoring in arts and laws in Union University, Erskine toured the country with a Shakesperian company. He later wrote, produced and directed "Harlem" staged "The Criminal Code" and later did the same work on "The Last Mile."

At 26 he was made the production head of the Daniel Frohman company and staged "Stepdaughters of War" and "He" for Theatre Guild. Later, he became production head for the Erlanger interests, turning out "I Love an Actress" and "Never No More."

Fox-Lloyd Selling Deal Is Completed

(Continued from page 1)

"The Cat's-Paw" will be made at the Metropolitan Studios, Hollywood, now being remodelled by General Service Studios, Inc.

Kent, Skouras Return

S. R. Kent, Spyros Skouras and Walter R. Hutchinson, managing director for Fox in England, arrived from the coast on Sunday.

Kent spent about three weeks on the coast realigning the studio setup so that Winfield Sheehan is again in charge of all story selections. Skouras has been discussing theatre reorganizations. These will be completed in the spring, he said.

Expect Flinn To Get Code Authority Job

(Continued from page 1)

Wednesday and met opposition by independents. The unaffiliates did not mention a candidate for the post and it is understood that none will be offered at the next meeting.

While reports have been circulated that other names have been considered by major executives for the secretaryship, Flinn's is the only one agreed upon unanimously. The independents' protests against Flinn has no bearing on his character but, it is said, the method of electing him into office without giving the independents a say in the matter was the reason.

The matter is now in the hands of a committee comprising N. M. Schenck, Nathan Yamins and George J. Schaefer. Selection of the secretary must be unanimous. Schenck and Schaefer are for Flinn and Yamins' vote is now needed to put the Paramount executive into the authority post.

Kansas City Group Picks Board Names

(Continued from page 1)

dustry, to represent the public, the independents chose Judge Merrill E. Otis, senior judge of the Federal court for the western district of Missouri.

Nominations for the zoning and clearance board follow: Affiliated distributors, W. J. Kubitzki, Fox; T. R. Thompson, RKO. Unaffiliated distributors: R. F. Withers, Midwest Film Distributors; Harry Taylor, Columbia. First-run exhibitors, Lawrence Lehman, RKO Mainstreet; Elmer Rhoden, Fox Midwest. Subsequent runs: Jay Means, president, I. T. O.; Fred Meyn, Pershing, Kansas City, Kan.; E. E. Webber, Mary Lue; Mrs. A. Baier, secretary, I. T. O.

The following nominations are for the grievance board: Affiliated distributors, Arthur Cole, Paramount; Frank C. Hensler, M-G-M. Unaffiliated distributors, Harry Taylor. Columbia: William Benjamin, Universal. Affiliatd exhibitors, Elmer Rhoden, Fox Midwest; A. F. Baker, Electric, Kansas City, Kan. Aunaffiliated exhibitors, Ed Dubinsky, Dubinsky Bros.; C. L. McVey, Herington, Kan.

The second named for each post in each classification is an alternate. In the subsequent run exhibitor group included in recommendations for the zoning and clearance boards, Webber and Mrs. Baier are alternate nominations.

A. F. Baker, one of the nominees, is president of the Kansas Missouri Theatre Ass'n., which is choosing a list of its own.

Lesser Organizing 16 mm Selling Plan

(Continued from page 1)

bodies shortly after the first of next year.

Lesser is now assembling subjects, which comprise non-dramatic educational topics made here and abroad on 35 mm. film. During his recent trip to England, Germany and France he made arrangements for exchange of subjects with those made in America.

According to present plans, he will have approximately 100 distribution points in United States and considers all schools and colleges having 16 mm. sound projectors as his prospects.

"Women" Has Big Seattle Second Week

SEATTLE, Dec. 25.—"Little Women," in its second week at Hamrick's Blue Mouse, again took top honors with a gross of $6,000, or $2,000 over average. "Jimmy and Sally" at the Paramount, with Henry Santry's "Soldiers of Fortune," on the stage, was good for $6,500, which is better than recent weeks.

"Christopher Bean" was disappointing at the Fifth Avenue, taking slightly less than the average $7,000. The Orpheum, with a dual bill and vaudeville, was below par. "The Good Companions" at the Roxy was pulled after four days and was replaced by "Myrt and Marge" and "Broken Dreams."

Total first run business was $34,500. Average is $38,500.

Estimated takings for the week ending Dec. 16:

"LITTLE WOMEN" (Radio)
BLUE MOUSE—(950), 25c-35c-50c, 7 days, 2nd week. **Gross:** $6,000. (Average, $4,000.)
"CHRISTOPHER BEAN" (M-G-M)
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,500. (Average, $7,000.)
"S.O.S. ICEBERG" (Univ.)
"THE FIGHTING PARSON" (Allied)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross,** $3,750. (Average, $4,000.)
"ONLY YESTERDAY" (Univ.)
MUSIC BOX—(950), 25c-35c-50c, 7 days, 2nd week. **Gross,** $4,000. (Average,, first week, $4,000.)
"AGGIE APPLEBY" (Radio)
"THE MAD GAME" (Fox)
ORPHEUM—(2,500), 25c-35c-50c, 7 days. Vaudeville. **Gross,** $5,000. (Average, $7,000.)
"JIMMY AND SALLY" (Fox)
PARAMOUNT—(3,050), 25c-40c-55c, 7 days. Henry Santry and Band on stage. **Gross:** $6,500. (Average, $6,000.)
"THE GOOD COMPANIONS" (Fox)
ROXY—(2,275), 25c-35c-50c, 4 days. **Gross:** $2,250. (Average for week, $6,000).
"MYRT AND MARGE" (Univ.)
"BROKEN DREAMS" (Monogram)
ROXY (2,275), 25c-35c-50c, 3 days. **Gross:** $2,500. (Average for week, $6,000.)

"Bombshell," Show High for Montreal

MONTREAL, Dec. 25.—Box office returns held up well despite pre-Christmas interference and a cold snap, the Capitol going into the lead with $10,000 on "Bombshell," assisted by a stage presentation. Loew's just about broke even at $10,500 with "Bureau of Missing Persons" and six vaudeville acts while the Palace was down to $9,000 on "Take a Chance" and "White Woman."

Total first run business was $36,500. Average is $39,000.

Estimated takings for the week ending Dec. 15:

"BOMBSHELL" (M-G-M)
CAPITOL—(2,547), 25c-35c-50c-60c-75c, 7 days. Stage: Dornberger's Orchestra. **Gross:** $10,000. (Average, $9,000.)
"MAEDCHEN IN UNIFORM" (British)
IMPERIAL — (1,914), 25c-35c-40c-50c, 7 days. **Gross:** $2,000. (Average, $2,000.)
"BUREAU OF MISSING PERSONS" (Warners)
LOEW'S — (3,115), 25c-35c-50c-65c-75c, 7 days. Vaudeville: Ross Wyse Family; Reisman's Alabamians; Hal Young; Francis & Walley; O'Donnel & Blair; Kay, Hamlin and Kay. **Gross:** $10,500. (Average, $10,500.)
"TAKE A CHANCE" (Para.)
"WHITE WOMAN" (Para.)
PALACE—(2,600), 25c-35c-50c-60c-75c, 7 days. **Gross:** $9,000. (Average, $11,000.)
"THE MAYOR OF HELL" (Warners)
"GOLDEN HARVEST" (Para.)
PRINCESS — (2,272), 25c-35c-50c-65c, 7 days. **Gross:** $5,000. (Average, $6,000.)

Direct to the Public

Kansas City—The RKO Mainstreet turned to Motion Picture Daily's review to sell "Little Women." This blow-up of the original appeared out front during the run of the picture.

Kansas Defeats All Anti-Film Measures

TOPEKA, Dec. 25.—Not a single measure harmful to the film industry was passed by the special session of the Kansas legislature, which adjourned recently. Several bills had been opposed by the industry, however.

A proposal which would have changed the entire system of censorship failed to rally much support. This contemplated grouping of films according to "moral" classifications.

Tax measures circumvented were a 5 per cent levy on amusements, included in a graduated sales tax, and a general sales tax bill assessing a 3 per cent levy. For a while it appeared the 5 per cent tax had a good chance, but the legislators balked at increasing or levying more taxes.

Legislation was enacted to bring the Kansas anti-trust laws and other statutes into compliance with the NRA for the term of the national recovery program.

Canadians Seeking Censorship Appeal

TORONTO, Dec. 25.—An appeal board of seven members to review censorship cuts is being sought from the Ontario Government by distributors of American films. The distributors contend that they are put to heavy and unnecessary loss in shipping charges and customs duties on prints imported into the Dominion, only to be condemned by the Ontario censor board.

The distributors contend they are entitled to an appeals board in order to avoid as many cuts as possible.

George Thomas to M-G-M

HOLLYWOOD, Dec. 25.—George Thomas, who recently resigned as West Coast publicity director for Warners, has joined the M-G-M press department to handle trailers.

Coast May Ban 30% Of Foreign Writers

(Continued from page 1)

tinuance of studio credential cards.

Investigation disclosed that more than 30 per cent of the foreign correspondents now holding Hays office credential cards will be chopped from the list after the first of the year for violating rules and ethics of the Fourth Estate. A number of these defaulters have been discovered to have no official connection with foreign publications, but used representation of them as an "in" to the studios where they begged for favors, jobs and sale of stories.

House Shifts Drop, Believed Good Sign

Drops in theatre shifts are regarded as a good sign. Last week only one changed hands in this territory, according to the Film Board of Trade records.

Usually there are at least five changes a week at this time of the year, but for the past seven days operators have been holding onto their houses.

"U" Plans 3 "Shockers"

HOLLYWOOD, Dec. 25.—Universal has a trio of "shockers" listed for production during the coming season. They are "A Trip to Mars," an R. C. Sherriff tale; "The Return of Frankenstein" and "The Golem," which was once made as a silent. Boris Karloff is scheduled to appear in the first two and may also do the third. Carl Laemmle, Jr., believes the public is clamoring for films of this nature.

Holt May Go to England

HOLLYWOOD, Dec. 25.—Columbia is understood planning to send Jack Holt to England to make a picture for the company.

"Sitting" Is Good in K. C. With $9,000

KANSAS CITY, Dec. 25.—Despite indications the pre-Christmas slump had already set in, business was on a fairly even keel, three of the five first runs hitting above par. The Newman had a strong draw in "Sitting Pretty," which registered $9,000 in eight days. "The Prizefighter and the Lady," a Midland attraction, was average, but drew the biggest take at $10,000. "Only Yesterday" held its own in a second week at the Uptown.

The Apollo, which has had a checkered career as a suburban 1,100-seater, was turned over to a first run policy with "Emperor Jones." At 25 cents admission, twice daily and four shows on Sunday, the picture turned in $2,500 and was held.

Total for the week was $31,000. Average for the five first runs is $29,700.

Estimated takings:

Week Ending Dec. 14:

"LITTLE WOMEN" (Radio)
MAINSTREET—(3,049), 25c-40c, 8 days, 2nd week. **Gross:** $6,000. (Gross, 1st week, $12,000.) (Average, $7,000.)
"SITTING PRETTY" (Para.)
NEWMAN—(1,800), 25c-40c, 8 days, plus Saturday midnight show. **Gross:** $9,000. (Average, for 8 days, $8,000.)

Week Ending Dec. 15:

"EMPEROR JONES" (U. A.)
APOLLO—(1,100), 25c, 7 days. **Gross:** $2,500. (Average, $1,700.)
"THE PRIZEFIGHTER AND THE "LADY" (M-G-M)
MIDLAND—(4,000), 25c, 7 days, plus Saturday midnight show. **Gross:** $10,000. (Average, $10,000.)
"ONLY YESTERDAY" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $3,000.)

Big Holiday Week Jolts Des Moines

DES MOINES, Dec. 25.—Exhibitors here are united in giving credit to the Federal recovery program and Christmas business for a $30,000 total gross for the five first runs—the first total that high for several weeks.

Both the Des Moines and Paramount did $8,000, the former on "Female" and the latter on "The Private Life of Henry VIII" and "Ever in My Heart." The average of the former is $6,000 and of the latter, $7,000.

The Orpheum did $5,500 on "The Invisible Man," and the Garden, $4,000 on "Penthouse."

Total for the week was $29,500. Average is $24,000.

Estimated takings for the week ending Dec. 16:

"THE INVISIBLE MAN" (Univ.)
ORPHEUM—(2,200), 10c-25c-35c, 7 days. **Gross:** $5,500. (Average, $4,500.)
"EVER IN MY HEART" (Warners)
"THE PRIVATE LIFE OF HENRY VIII" (U.A.)
PARAMOUNT — (2,300), 10c-35c-50c, 7 days. **Gross:** $8,000. (Average, $7,000.)
"FEMALE" (F.N.)
DES MOINES — (2,200), 10c-35c-50c, 7 days. **Gross:** $8,000. (Average, $6,000.)
"PENTHOUSE" (M-G-M)
GARDEN—(1,300), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $3,000.)
"LONE COWBOY" (Para.)
STRAND—(1,900), 10c-25c-35c, 7 days. **Gross:** $4,500. (Average, $3,500.)

Frisco Takes Dip; "Women" Gets $13,800

SAN FRANCISCO, Dec. 25.—The pre-Christmas drop in theatre intake hit this town last week, with only two theatres managing to top average, and others holding on with prospects of a sorrier week ahead. "Little Women," at the Golden Gate, in its second week, took a neat $13,800, considered excellent. It stayed a third week stanza. The Fox went over average by $2,700 with two features, headed by "Bitter-Sweet," and 10 vaudeville acts, with a gross of $11,700. The Warfield's $16,000 with "Female" was $3,000 under normal.

Total first run was $71,000. Average is $76,000.

Estimated takings:

Wee Ending Dec: 12.

"CRADLE SONG" (Para.)
COLUMBIA (1,200), 50c-75c-$1.50, two-a-day, 2nd week. **Gross:** $6,000. (Average, $6,000.)

"LITTLE WOMEN" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week. Stage, band. **Gross:** $13,800. (Average, $12,000.)

Week Ending Dec. 13:

"TAKE A CHANCE" (Para.)
"I WAS A SPY" (Fox)
ORPHEUM—(2,000), 15c-35c-40c, 7 days. **Gross:** $8,000 (Average, $9,000.)

"FEMALE" (Warners)
WARFIELD—(2,700), 25c-35c-55c-65c-90c, 7 days. Stage band. **Gross:** $16,000. (Average, $19,000

"BITTER SWEET" (U. A.)
"16 FATHOMS DEEP" (Monogram)
FOX—(4,600), 10c-15c-25c-35c, 7 days. Stage, 10 vaudeville acts. **Gross:** $11,700. (Average, $9,000.)

Week Ending Dec. 15:

"THE WORLD CHANGES" (Warners)
PARAMOUNT — (2,670), 15c-25c-30c-40c-55c, 7 days. **Gross:** $11,000. (Average, $15,000.)

"ADVICE TO THE LOVELORN" (U. A.).
UNITED ARTISTS—(1,200), 25c-40c-50c, 7 days, 2nd week. **Gross:** $4,500. (Average, $6,000.)

"Women" Is Big in Portland Holdover

PORTLAND, Dec. 25.—"Little Women" in its second week at Hamrick's Music Box again scored a heavy increase over average receipts with an intake of $10,000, or three times better than normal.

"Footlight Parade," in its sixth and final week, held Hamrick's Blue Mouse up to an average of $2,000.

"Hoopla" and "Take a Chance," double bill at the Paramount, took in $6,000, or $1,000 over average.

First run totals for the week were $30,500. Average is $23,000.

Estimated takings for the week ending Dec. 15:

"FOOTLIGHT PARADE" (Warners)
HAMRICK'S BLUE MOUSE—(669), 7 days. **Gross:** $2,000. (Average, $2,000)

"DANCING LADY" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,000)

"LITTLE WOMEN" (Radio)
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days, 2nd week. **Gross:** $10,000. (Average, $3,000)

"KENNEL MURDER CASE" (Warners)
"CHANCE AT HEAVEN" (Radio)
HAMRICK'S ORIENTAL—(2,040), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,000)

"HOOPLA" (Fox)
"TAKE A CHANCE" (Para.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"ADVICE TO THE LOVELORN" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

Sneezes Rib Loose

Hollywood, Dec. 25. — Al Green has a new claim to fame. He sneezed himself into a broken rib, and is walking around with a coating of adhesive tape to prove it.

"Prizefighter" Is Average in Omaha

OMAHA, Dec. 25.—The first cold snap of the season kept business in average range at most of the first run spots. "The Prizefighter and the Lady," along with "Sing, Sinner, Sing," gave the World its best week in two months with a par gate of $5,850.

Orpheum also ran at average money with a dual bill of "Take a Chance" and "The Mad Game." Gross was about $7,250. The second week of "Little Women" was a disappointment at $4,500, but represents a gross of around $13,750 for the picture's run.

"Christopher Bean" at the Paramount was weak. The picture did about $6,750.

Total first run business was $24,350. Average is $25,600.

Estimated takings:

Week Ending Dec. 13:

"CHRISTOPHER BEAN" (M-G-M)
PARAMOUNT—(2,900), 25c-35c-50c, 7 days. **Gross:** $6,750. (Average, $7,500)

Week Ending Dec. 14:

"LITTLE WOMEN" (Radio)
BRANDEIS—(1,100), 25c-35c-40c, 7 days, 2nd week. **Gross:** $4,500. (Average, $5,000)

"TAKE A CHANCE" (Para.)
"THE MAD GAME" (Fox)
ORPHEUM—(3,000), 25c-35c-40c, 7 days. **Gross:** $7,250. (Average, $7,250)

Week Ending Dec. 15:

"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
"SING, SINNER, SING" (Majestic)
WORLD—(2,200), 25c-35c, 7 days. **Gross:** $5,850. (Average, $5,850)

"Invisible" Gets $8,000 in Buffalo

BUFFALO, Dec. 25.—Christmas shopping time plus heavy snow and near-zero weather put a crimp in the show business here. "The Invisible Man" was the only picture to top normal, getting $8,000 at the Lafayette against a $6,500 average. "Solitaire Man" did only $1,200 in three days at the Century and was yanked for "Day of Reckoning," which wasn't much better.

Total first run business was $42,200. Normal is $47,500.

Estimated takings for the week ending Dec. 15:

"HER SWEETHEART" (M-G-M)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Donald Novis, William Demarest and Ruth Mix, Chilton & Thomas, Three Cossacks. **Gross:** $15,000. (Average, $15,000.)

"THE SOLITAIRE MAN" (M-G-M)
CENTURY—(3,000), 25c, 3 days. **Gross:** $1,200. (Average for week, $6,000.)

"DAY OF RECKONING" (M-G-M)
CENTURY—(3,000), 25c, 4 days. **Gross:** $2,300.

"LITTLE WOMEN" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $7,600. (Average, $10,000.)

"WALLS OF GOLD" (Fox)
HIPPODROME—(2,100), 25c-40c, 7 days. Stage: Aileen Stanley, Bob Murphy with Dick and Dorothy, Climas Bros., Amando and Lita and Gypsy Rodenje; Hickey Bros. & Co.; Johnny Bryant; Six DeCardos. **Gross:** $8,100. (Average, $10,000.)

"THE INVISIBLE MAN" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $8,000. (Average, $6,500.)

"Women" 3rd Week Boston Top, $71,000

BOSTON, Dec. 25.—Keith's has done the impossible, by holding highest rank for three successive weeks with the same film, "Little Women," and has grossed $26,000 for the third week, $10,000 above average, for a total of $71,000 for the three weeks. With the locale only a brief motor ride from Boston, where Louisa Alcott's homestead is one of the sights of historic Concord, Boston has flocked to the film.

Metropolitan, with "Sitting Pretty," was second high for the week with $8,000 above average, while "Aggie Appleby" at the Boston and "Should Ladies Behave?" at Loew's State each grossed $5,000 above par.

Total first run business was $124,000. Average is $95,000.

Estimated takings for the week ending Dec. 14:

"AGGIE APPLEBY" (Radio)
BOSTON—(2,900), 25c-50c, 7 days. Buddy Rogers and Cavaliers, vaude. **Gross:** $21,000. (Average, $16,000)

"EVER IN MY HEART" (Warners)
"LONE COWBOY" (Para.)
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

"LITTLE WOMEN" (Radio)
KEITH'S—(3,500), 30c-50c, 7 days, 3rd week. **Gross:** $26,000. (Average, $16,000)

"SHOULD LADIES BEHAVE" (M-G-M)
LOEW'S STATE—(3,700), 35c-50c, 7 days. Vaudeville. **Gross:** $21,000. (Average, $16,000)

"SITTING PRETTY" (Para.)
METROPOLITAN—(4,350), 30c-65c, 7 days. Mae Questel and revue. **Gross:** $36,000. (Average, $28,000)

"EVER IN MY HEART" (Warners)
"LONE COWBOY" (Para.)
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

Holiday Hits Most Providence Houses

PROVIDENCE, Dec. 25.—It may be Christmas for some folk, but for exhibitors here it is just a season of growing pains. Bad weather and shopping took heavy toll of profits with all houses suffering in equal proportion.

"Little Women," in its second week at the RKO Albee, was not so bad, catching $5,500. A vaudefilm policy at Loew's, spotting "Should Ladies Behave?" did only $8,500. The Paramount caught $5,200 and Fay's about $6,000.

Total first run business was $31,200. Average is $38,500.

Estimated takings for the week ending Dec. 14:

"LITTLE WOMEN" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)

"HOOPLA" (Fox)
"PUBLIC STENOGRAPHER" (Chesterfield)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"CRADLE SONG" (Para.)
"IN THE MONEY" (Monogram)
PARAMOUNT—(2,300), 15c-40c, 7 days. **Gross:** $5,200. (Average, $6,500)

"SHOULD LADIES BEHAVE?" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. Cass-Mack and Owen on stage. **Gross:** $8,500. (Average, $12,000)

"FROM HEADQUARTERS" (Warners)
FAY'S—(1,600), 15c-40c, 7 days. Yvonne-Diane Co. and Billy Kelley heading stage show. **Gross:** $6,000. (Average, $7,000)

"LOVE, HONOR AND OH BABY" (Univ.)
"THE MAN THEY COULDN'T ARREST" (Heber)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $9,500. (Average, $1,000)

Twin Cities Tip $14,000 To Crawford

MINNEAPOLIS, Dec. 25.—"Dancing Lady," playing day and date in the Minnesota here and the Paramount in St. Paul, took a total of $14,000 last week. Of this, $8,000 was grossed at the Minnesota.

"Havana Widows," helped by Earl Carroll's "Vanities," reached $6,500 at the RKO Orpheum here. "Berkeley Square," as a straight film draw, also took $6,500 at the State. "Little Women" held up to $5,500 in its second week at the St. Paul Orpheum.

Minneapolis grosses totalled $23,800. Average is $20,500. The five St. Paul houses took $17,000. Average is $14,000.

Estimated takings:

Minneapolis:

Week Ending Dec. 14:

"MEET THE BARON" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

"DANCING LADY" (M-G-M)
MINNESOTA—(4,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,500.)

Week Ending Dec. 15:

"HAVANA WIDOWS" (F. N.)
RKO ORPHEUM—(2,900), 20c-40c, 7 days. Earl Carroll's "Vanities." **Gross:** $6,500. (Average, $5,500.)

"BERKELEY SQUARE" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500.)

"BITTER SWEET" (U. A.)
WORLD—(400), 25c-75c, 3 days, 2nd week. **Gross:** $600.

"ELYSIA" (Foy Prod.)
WORLD—(400), 25c-75c, 4 days. **Gross:** $700. (Average for week, $1,300.)

St. Paul:

Week Ending Dec. 15:

"DANCING LADY" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,600. (Average, $5,000.)

"TAKE A CHANCE" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,500.)

"LITTLE WOMEN" (Radio)
RKO ORPHEUM—(2,600), 20c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $4,000.)

"THE CHIEF" (M-G-M)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $800.)

"THE THUNDERING HERD" (Para.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average, $700.)

"ICH WILL NICHT WISSEN WER DU BIST" (Viennese)
WORLD—(300), 25c-75c, 7 days. **Gross:** $1,000. (Average, $1,000.)

"Only Yesterday" Fair in Oklahoma

OKLAHOMA CITY, Dec. 25.—In a week of falling grosses "Only Yesterday," at the Midwest, was the only attraction in town to reach normal. The take was $5,000.

"Hoopla" was $600 under at the Criterion and "The Prizefighter and the Lady" was down $500 at the Capitol.

Total first run business was $13,800. Average is $15,000.

Estimated takings for the week ending Dec. 16:

"ONLY YESTERDAY" (Univ.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,000. (Average, $5,000)

"HOOPLA" (Fox)
CRITERION—(1,700), 10c-20c-26c-36c-41c-56c, 7 days. **Gross:** $4,400. (Average, $5,000)

"PRIZEFIGHTER AND THE LADY" (MG-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,500. (Average, $3,000)

"WILD BOYS OF THE ROAD" (F. N.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,000. (Average week, $3,000)

"HORSE PLAY" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $900 (Average week, $3,000)

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"Tonight" At $13,000 Tops Philadelphia

PHILADELPHIA, Dec. 25.—"After Tonight," helped by a stage show, kept the Earle gross up to $13,000 last week, the only spot in town to go over normal.

"As Husbands Go," with Mary McCormic on the stage, was good for $15,500 at the Fox. Elsewhere there were split bookings and weak grosses.

Total first run business was $68,500. Average is $77,900.

Estimated takings for the week ending Dec. 14:

"ADVICE TO THE LOVELORN" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $6,000. (Average, $7,000.) Last two days "Henry VIII," $1,500.

"MEET THE BARON" (M-G-M) (2nd Run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,800. (Average, $2,400.)

"IF I WERE FREE" (Radio)
BOYD—(2,000), 40c-55c-65c, 6 days. **Gross:** $8,500. (Average, $12,000.)

"AFTER TONIGHT" (Radio)
EARLE—(2,000), 40c-55c-65c, 6 days. **Stage:** Gracie Barrie, Barto and Mann, Harmony Co-eds, Johnny Woods, Four Ortons. **Gross:** $13,000. (Average, $12,000.)

"AS HUSBANDS GO" (Fox)
FOX—(3,000), 35c-55c-75c, 6 days. **Stage:** Mary McCormic, Luisita Leers, Six Danwills. **Gross:** $15,500. (Average, $16,000.)

"DAY OF RECKONING" (M-G-M)
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,700. (Average, $3,500.)

"JIMMY AND SALLY" (Fox) (2nd Run)
KEITH'S—(2,000), 25c-35c-40c, 6 days. **Stage:** Five acts vaudeville. **Gross:** $5,800. (Average, $7,000.)

"SITTING PRETTY" (Para.)
STANLEY—(3,700), 40c-55c-65c, 4 days. **Gross:** $9,000. (Average for 6 days, $12,000.) Last two days, "Duck Soup," $2,000.

"INVISIBLE MAN" (Univ.)
STANTON—(1,700), 30c-40c-55c, 3 days, 2nd week. **Gross:** $3,000. (Average for 6 days, $7,000.)

Police in Columbus Close Bingo Games

COLUMBUS, Dec. 25.—Bingo and Keeno games, spots where admission has been charged and prizes of merchandise given away, have been closed by the police after a two-month fight in which exhibitors have complained of heavy losses.

It has been estimated that an average of 30,000 persons per week have been attending these games.

Woodward Returning

HOLLYWOOD, Dec. 25.—Stacy Woodward, in charge of "The Battle for Life" series for Educational, is enroute from Wellington, New Zealand, where he has completed the latest of the series, dealing with wild animals in that locale.

Woodward is expected to arrive in New York in January.

White Prod. to Given

Herbert W. Given's new corporation will handle the world wide distribution for the Tom White Productions, with Henry J. Reiner, formerly of National Screen Service, in charge of sales.

Takiff Busy on Plans

Harry Takiff of General Pictures Corp. of California has extended his New York stay in view of product deals pending. He is also dickering with agents for story material.

Hollywood On Parade

By BILL SWIGART

HOLLYWOOD, Dec. 25.—Hollywood seldom lets the rest of the world know of the many heartbreaks and resultant tense drama that occurs within its portals daily. For example, in Roy Del Ruth's last two Warner productions, "Bureau of Missing Persons" and "Fingerman," approximately 22 people were engaged for roles, who, although their names are not printed on the cast sheet and few speak a line, were at some time or another in their careers, stars in their own right.

In one courtroom scene, eight of the 12 jurors, none of whom have a line of dialogue, have been leading men at some time in their stage or screen careers.

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FRANK CAPRA won't admit it is a superstition, but he always manages to include the same minor bit players in all his pictures. Those fortunate to be on this preferred list are THEODORE ROBINSON, FRANK HALLIDAY, SHERRY HALL, TINY JONES and BERT STARKEY.

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ISABEL JEWELL'S sympathetic love for orphaned dogs was expressed in definite terms the other day when she called upon the city pound to collect her own strayed mutt and emerged with four others, which she will adopt and furnish a home.

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Tired of being an actor, CHARLEY CHASE abandons his life calling to take a fling at directing. His first assignment will be a BILLY GILBERT-BILLY BLETCHER short for ROACH.

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LLOYD HAMILTON, who recently returned to work after a six-month lay-off, lays claim to the world's record for broken legs by virtue of having suffered no less than 27 fractures of his lower limbs in the past year.

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Influence of English actors here is changing the old English custom of "five o'clock teas" to "five o'clock cocktail parties" and the fad is catching on like snow to a rolling snowball. Aside from its social advantages, layoff actors and directors adopt the fad for mercenary purposes. If they have the money and the place, it is easy to invite all the directors or studio executives with whom they have previously worked. During the imbibing session the host's misfortune of being out of work is revealed in a subtle manner, resulting usually in landing a job.

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Desirous of a new slogan for his pictures, a producer called his exploitation man into conference and said, "We must get a new slogan for our product, something like the New York Happiness Candy Co. which is 'Happiness In Every Box.'" . . . "Easy Boss, I have it, how about 'Hapiness In Every Can?'"

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They tell this one with a straight face about an actor who is so stingy that when he goes to the photograph studio for a new sitting he has one side of his pants pressed and poses for a profile.

NEW WRITER ASSIGNMENTS . . . HOWARD ESTABROOK just completed "Biography" for M-G-M and is moving to the CHARLES ROGERS camp at Paramount to write script for "Green Gold." . . . MIKE SIMMONS moves to Universal for "Love's Interlude" to be produced by STANLEY BERGERMAN. . . . Having completed the first draft of "Gentlemen, the King," for 20th Century, GENE TOWNE and GRAHAM BAKER took a week off to cook up another original yarn. . . . EARL FELTON and JACK DORMER elevated from reading department to staff scenarists at Warners. . . . AINSWORTH MORGAN scripting "Lady of Tudor" for Radio. . . . HARRY MYERS to write "Kansas City or Bust" for Paramount. . . . LAURENCE HAZARD to "Gambler Man" and S. K. LAUREN to "Sisters Under the Skin," both for Columbia. . . . GEORGE O'NEILL dialoguing "The Behaviour of Mrs. Crane at Universal while DON RYAN draws the assignment to write script for "Hill Billies" at the same studio. . . . VICKI BAUM'S "Hell Hole," a story based on a Western army post, is under consideration at M-G-M . . . JACK CUNNINGHAM and ARNOLD BELGARD on "Sidekicks" for Paramount . . . FRANK PARTOS and BEN ARKOW on "The Man Who Broke His Heart" at Paramount.

Selzer Ends Unit System

HOLLYWOOD, Dec. 25.—Ed Selzer, Warners' new publicity head, has discontinued the unit system in that department.

This is the first studio to chuck the usual routine of assigning each man to handle publicity on definite productions.

Under the new system the p.a.'s work on a permanent roving assignment, turning in material on all productions.

Big Pay for Barrymore

HOLLYWOOD, Dec. 25.—John Barrymore's one-picture contract with Columbia is reported to call for $25,000 a week on a two-week minimum basis, with $5,000 per day thereafter. This is the same basis of pay received by the actor from Universal for "Counselor-at-law."

Christopher in Evans Job

WILMINGTON, Dec. 25.—Roger Christopher, manager of the Federal of Federalsburg, Md., has been named secretary and treasurer of the Independent M. P. Theatre Owners' Ass'n. of Delaware and the Eastern Shore of Maryland. He succeeds E. C. Evans of Milford, Del., resigned.

Buffalo to Open Saturday

BUFFALO, Dec. 25.—Thursday openings are out in Buffalo. The Lafayette, adding vaudeville, has changed to Saturdays, and so has the Century, which reverts to double features New Year's week.

Harry Arthur Returns

Harry C. Arthur arrived from the coast Sunday after looking over theatre sites there and in the middle west. Louis Cohen, realty agent for F. & M., returns after the first of the year.

"Women" Has Big 2nd Week On the Loop

CHICAGO, Dec. 25.—In a week in which grosses slumped, the only cheering thing on the local box-office horizon was the take for the second week's run at the RKO Palace of "Little Women." After an opening week of $34,500 the picture crashed through for a repeat take of $28,000. B. & K. immediately grabbed it for the Roosevelt for a third week in the Loop and negotiations are under way which may keep it at the Roosevelt for a fourth and possibly a fifth week.

Indicative of the decline in grosses, the past week is the take at the B. & K. Chicago which took only $27,000 with "The Prizefighter and the Lady." at $11,000 for its second week at McVickers "Only Yesterday" showed pronounced strength.

Total first run business was $99,500. Average is $120,000.

Estimated takings:

Week Ending Dec. 12:

"MAN'S CASTLE" (Col.)
ORIENTAL—(3,940), 30c-40c-60c, 7 days. **Gross:** $10,000. (Average, $23.000.)

"CHRISTOPHER BEAN" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $15,000. (Average, $17,000.)

"ONLY YESTERDAY" (Univ.)
McVICKERS—(2,284), 30c-40c-60c, 2nd week, 7 days. **Gross:** $11,000. (Average, $13,000.)

Week Ending Dec. 14:

"THE PRIZEFIGHTER AND THE LADY" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Connie's Hot Chocolates of 1933 on stage. **Gross:** $28,000. (Average, $34,600.)

"LITTLE WOMEN" (Radio)
PALACE—(2,509), 35c-50c-75c, 2nd week, 7 days. Ken Murray, Hudson Wonders, Alice Dawn, Abbott on stage. **Gross:** $28,000. (Average, $22,000.)

Week Ending Dec. 15:

"PRIVATE LIFE OF HENRY VIII" (U. A.)
(Third Loop Week)
ROOSEVELT—(1,591). 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $11,000.)

Fox Has Big Plans For Foreign Films

Ambitious plans for foreign language films are being made by Fox, according to Clayton Sheehan, general manager of the company's foreign department. Its Spanish program will list films with casts including Jose Mojica, Raul Roulien, Catalina Barcena and Rosita Moreno.

A number of French pictures have already been completed at the Fox studios in Paris, Sheehan says, with others in preparation. Among the completed ones are "On a Vole un Homme" ("Man Stolen"), with Henry Garat and Lily Damita, and "Liliom." In Berlin Fox has finished production on three German subjects, with three others being readied.

Hold Catalina Barcena

HOLLYWOOD, Dec. 25.—Catalina Barcena, leading feminine star of Spain, has been signed for two more Spanish features by Fox. The actress arrives here from Spain in January for her first assignment, title of which has not yet been announced.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 149 NEW YORK, WEDNESDAY, DECEMBER 27, 1933 TEN CENTS

Compliance Up To Rosenblatt At the Start

Will Handle Code Until Authority Functions

WASHINGTON, Dec. 26.—Matters involving compliance with the code will be handled directly by Division Administrator Sol A. Rosenblatt until approval has been given to any plan worked out by the Code Authority for dealing with such problems.

It is not anticipated that compliance will offer much difficulty, and, in view of the experience in other codified industries, such complaints as are received will, for the most part, probably be due to misunderstandings of the requirements of the code.

It is the practice of the Recovery

(*Continued on page 4*)

Heavy Rains Severe Blow in Washington

SEATTLE, Dec. 26.—Show business in Seattle and throughout the western part of the state of Washington has been seriously hampered during the last two weeks by severe rain storms and floods.

In Aberdeen, Hoquiam, Kent, Auburn and similar locations the streets

(*Continued on page 4*)

"Little Women" Stands Out in a General Slump

With business tottering throughout the country, due to the holiday in most spots, and with added trouble caused by weather in others, "Little Women" again stood up in five cities as a phenomenal draw.

In its fourth week at Keith's, Boston, the Radio feature grossed $23,000, over normal by $7,000. In Chicago, in its third week on the Loop, the feature grabbed $15,000, $2,000 up, at the Roosevelt. San Francisco first runs were in a state of collapse, but "Little Women" at the Golden Gate took $10,400, a good gross at any time. An unprecedented return engagement at the RKO Orpheum in Minneapolis sent the take up to $7,500, and at the Blue Mouse, Seattle, it was above average with $3,500 in its third week.

"My Lips Betray" also developed strength at the Metropolitan in Boston with a gross of $31,000, and "Chance at Heaven" was a bright spot

(*Continued on page 8*)

Expect Continuance Of Cleveland Plan

CLEVELAND, Dec. 26.—The local protection plan, in effect since Jan. 1, 1932, will be continued under the code, according to the understanding of exhibitors and distributors who heard

(*Continued on page 4*)

"C. A." Rules Set

Parliamentary procedure will be the rule at Code Authority sessions. The committee on rules of Code Authority, comprising W. Ray Johnston, M. H. Aylesworth and Ed Kuykendall, met last week and decided to report favorably on this plan.

All six committees are expected to confer this week on reports to be submitted at the second "C.A." session Jan. 4.

Still Seek Lowell For Authority Job

WASHINGTON, Dec. 26.—Apparently still hopeful that Dr. A. Lawrence Lowell will reconsider his refusal to serve as Government representative on

(*Continued on page 4*)

Local 306 Holding Vote with Machines

For the first time in any union election, voting machines will be used today in the annual elections for new

(*Continued on page 4*)

New Theatre Ads Bringing Forth Praise

Results of McCarthy's Moves Noticeable

Functioning of the new M.P.P.D.A. department for regulation of all advertising and publicity matter of member companies has resulted in eliminating lurid and sensational illustrations and text from metropolitan newspaper advertising to a degree which has won the notice and commendation already of interests outside the industry.

Individual companies, the M. P. P. D. A. and J. J. McCarthy, head of the new department, reported yesterday that favorable comments on the good taste apparent in theatre advertising in New York newspapers is received daily. Much good will from unexpected quarters has already accrued to the industry as a result of the regulations and is believed to have been heightened by the elimination of ob-

(*Continued on page 8*)

Government's Wheat Aid Helping Kansas

KANSAS CITY, Dec. 26.—With Uncle Sam pumping almost $4,000,000 into the Kansas wheat country last week, film distributors here look to a revival

(*Continued on page 4*)

Hammons, Metzger, Saperstein, Clayton Sheehan Think The Economic Tides Are Shifting Toward Better Times

By EARLE W. HAMMONS
President, Educational

We may with good reason face the coming year with more cheer and confidence than we have known for the last four New Years.

We are, perhaps, not yet out of the woods. But we can, at least, see the light filtering through, and we can be more sure of the way we are going. It is not an easy year that we have

(*Continued on page 2*)

By CHARLES R. METZGER
Business Manager, Associated Theatre Owners of Indiana

INDIANAPOLIS, Dec. 26.—The various governmental efforts to reduce unemployment will undoubtedly mean more spending money for many citizens who have lacked entertainment for several years. If the motion picture industry can produce a sufficient amount of good product during 1934 to attract new and old patrons everything will be satisfactory. But

(*Continued on page 2*)

By AARON A. SAPERSTEIN
President, Allied Theatres of Illinois

CHICAGO, Dec. 26.—The year 1933 brought with it many outstanding events which will have considerable bearing on all industries in the future—each event rendering an optimistic touch to the oncoming year.

With hundreds of thousands of men being placed at work through the Civic Works Administration program and the eventual circulation of millions of dol-

(*Continued on page 2*)

By CLAYTON R. SHEEHAN
Foreign Sales M'g'r, Fox

Economically, world conditions in general are sounder than they have been in years. The nations of the earth are rapidly getting over their fears and uncertainties and are working together with a spirit of mutual cooperation and accomplishment. As a result the

(*Continued on page 2*)

MOTION PICTURE DAILY
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Rowland-Brice Seen Planning Coast Series

HOLLYWOOD, Dec. 26.—Monte Brice and William Rowland, here from the east, are reported planning a number of pictures on the coast, the first to be "Sweet Adeline," for United Artists release.

Crawford Coming East

HOLLYWOOD, Dec. 26. — William Crawford, head of the legal department of Fox studios, is slated to leave for the home office in a couple of weeks, where he will be permanently stationed.

It is reported he will be spotted in some end of the story department.

Two G-B Runs Dated

Two Gaumont-British pictures are scheduled for simultaneous Broadway showings during the week of Jan. 7. "The Ghoul" is slated for the Rialto and "I Was a Spy," being released in the United States by Fox, opens at the Roxy on that date.

Seek Schooler Successor

With Dave Schooler quitting the Roxy as master of ceremonies after a year at the house, another m.c. will replace him shortly. Negotiations are on with four masters of ceremonies to fill the spot. One will be decided on within the next few days.

Warners to Expand

HOLLYWOOD, Dec. 26.—Warners are planning the construction of four new stages and a new planing mill at Burbank next month at an approximate cost of $1,500,000.

Think Economic Tides Are Shifting for the Better

By EARLE W. HAMMONS

(*Continued from page* 1)

ahead, but it is a year offering more real promise than we have had at any time since business went into the doldrums.

The millions of dollars that are being added to the pay envelopes of the nation through the activities of the NRA are not going to give the films immediately their full normal share of this income. Many of those now returning to work have been in dire need. Pressing obligations face them. But they need recreation and amusement, and, as soon as the most urgent necessities are cared for, they will return to the great entertainment of the masses. The effect of this should soon begin to be felt. There may be uncertainties to be faced in our economic development, but of the general public's willingness to patronize good pictures there can be no question. As the general well-being of the public improves, the picture industry must follow.

And in spite of any economic uncertainties, we must recognize that the nation is moving—and in the right general direction. The setting up of the Code Authority should prove of tremendous value to the industry in the next year, for it will eliminate many of the harmful and unethical practices that have hampered it in recent years. In this factor, also, it may be a little while before the full effect is shown in the betterment of the picture business, but we must not underestimate the importance of the operation of the Code Authority.

As I see the coming year, the signs are not signs of immediate rosy hue, but they are signs pointing to gradual and steady improvement. The year 1934 will be a year of specialization. With conditions what they are, only the best product can hope to succeed, in pictures as elsewhere. But with the Code Authority functioning and with an undoubted general improvement in public morale and with millions returning to work and swelling the country's pay envelope, the picture industry may launch forth into 1934 without fear.

By CHARLES R. METZGER

(*Continued from page* 1)

"mine run" or worse product will prove a distinct loss to the producers, distributors and exhibitors who attempt to force it upon a most unwilling public. Experience during the depression has demonstrated that real pictures still find a profitable market, but no other kinds are accepted.

Our NRA code offers a splendid opportunity for constructive work in the direction of greater harmony and sounder business ethics for the motion picture industry. Whether good will come out of this or it will vanish into the realm of the many other panaceas offered for this industry will depend upon the courage and integrity of the members of this industry who are charged with carrying out its details. The rank and file of exhibitors are hopeful and may be counted upon to devote their best efforts toward making it a success. The success of the whole governmental program for the country will have a marked effect upon the motion picture industry. The industry enters 1934 with high hopes for peace and fairness among its branches and slightly better business on the upward trend during 1934.

By CLAYTON R. SHEEHAN

(*Continued from page* 1)

public everywhere is more definitely interested in entertainment.

We are confident that overseas business is definitely headed upward. Even more completely than in the past we have laid plans to meet every need of that market.

By AARON A. SAPERSTEIN

(*Continued from page* 1)

lars representing salaries which these men will receive, the amusement world can face the year 1934 with a marked degree of renewed courage.

Berkeley Made Director

HOLLYWOOD, Dec. 26.—Busby Berkeley has been elevated to a director at Warners.

Issues Slump in General Decline

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	2¾	2½	2½	— ¼	400
Consolidated Film Industries, pfd	10¼	10	10	— ½	600
Eastman Kodak	79¼	77¼	78½	— ¾	2,500
Fox Film "A"	12½	12	12	— ⅞	1,100
Loew's, Inc.	29½	29	29	— ¾	1,400
Loew's, Inc., pfd	73	73	73	....	100
Paramount Publix	1⅞	1⅝	1⅝	— ¼	5,600
Pathe Exchange	1½	1½	1½	— ⅛	500
Pathe Exchange "A"	10¼	10	10	—1¼	200
RKO	2⅛	2	2	— ⅛	500
Warner Bros.	5⅛	4⅞	4⅞	— ⅛	1,400
Warner Bros., pfd	15½	15½	15½	—4	100

Trading Light on Curb

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	3/16	3/16	3/16	....	200
Technicolor	8¼	8½	8½	— ¼	200
Trans Lux	2½	2⅛	2⅛	— ⅜	200

Paramount Publix Bonds Up Two

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	2⅞	3¼	....	30
General Theatre Equipment 6s '40, ctf	3	2⅜	3	+ ½	3
Keith B. F. 6s '46	51⅞	51	51	—1	7
Loew's 6s, ww deb rights	82	82	82	....	8
Paramount Broadway 5½s '51	29¼	29	29¼	+ ⅛	23
Paramount F. L. 6s '47	29¼	28	29	+1	28
Paramount Publix 5½s '50	30¼	29	30½	+2	56
Warner Bros. 6s '39, wd	39½	38	38	—1¼	22

Purely Personal

SAM SAX will play host Friday to this year's winners of the newsboy contest sponsored by the *Evening Express, Press Herald* and *Sunday Telegram* of Portland, Me.

PAT GARYN is off to Florida. A two weeks' vacation. Yesterday's snow fall had nothing to do with it, says PAT.

SI SEADLER returned yesterday from his Miami vacation with a coat of tan on his face and a heavy overcoat on his back.

MAX MILDER, Warner's British chief, is in Cleveland where his mother died recently.

ROBERT E. LONG leaves for Baltimore today to put on the "Roman Scandals" campaign at the Stanley.

GENE RAYMOND will be at the welcoming end of a cocktail party at the Warwick this afternoon.

WALTER EBERHARDT and the missus are back from a vacation at Nassau.

Held for Assault

TORONTO, Dec. 26.—Irving Field, owner of the Duchess, together with three others alleged to have been his accomplices, has been committed for trial here on a preliminary court hearing on a charge of assaulting Angel Lester, owner of the King. The court refused to accept a plea of guilty by two of the accused, Harry Sloan and Gordon Duncan, pending an investigation. It is hinted the feud which led to the alleged attack on Lester during a performance in his theatre was an outgrowth of the present admission price war in Toronto.

For Roosevelt Celebration

H. Wayne Pierson, vice-chairman of the Democratic National Committee, stage and screen division, has been named director of stage and screen activities in connection with the "National Birthday Ball for the President" to be made nationwide on Jan. 30. Colonel Henry L. Doherty is national chairman. Will H. Hays and Will Rogers are on the national committee, while Charles L. O'Reilly is chairman of the exhibitors' committee and Eddie Dowling chairman of the producers' division.

Long's Daughter Dead

LOUISVILLE, Dec. 26.—Mary Shreve Lyons Long, 12, daughter of Dennis H. Long, treasurer and one of the founders of the Fourth Avenue Amusement Co., is dead from injuries suffered when the car in which she was being driven to school by the family chauffeur was struck by another.

Postpone Publix Meet

A meeting of creditors of Publix Enterprises scheduled for yesterday before Referee Henry K. Davis was postponed to Jan. 2.

Picked for "Cinderella"

HOLLYWOOD, Dec. 26.—Paramount will star Charlotte Henry in "Cinderella," with Lanny Ross opposite.

The beautiful, ecstatic romance of a "7th Heaven"... in a brilliant setting of spectacular loveliness... enticing girls, captivating melodies, glorious dancing... and the Piccoli Marionettes... a show in themselves. A picture your patrons will always remember!

A Jesse L. Lasky Production

I AM SUZANNE

Lilian Harvey

Gene Raymond
Leslie Banks

Podrecca's Piccoli Marionettes

Directed by Rowland V. Lee

Your patrons always like
FOX MOVIETONE NEWS

FOX

SINCLAIR

Compliance Up to Rosenblatt at First

(Continued from page 1)

Administration for compliance complaints to come direct to Washington, where they may be referred by the administrator either to the Code Authority, or to such body as is set up by it to handle the matter, or to the National Labor Board.

Under plans worked out by Johnson, all compliance problems eventually will come before the code authorities, in line with the program of making industries as self-governing as possible.

Still Seek Lowell For Authority Job

(Continued from page 1)

the Code Authority, General Hugh S. Johnson will again write him to "explain" some of the matters regarding which Dr. Lowell is apparently confused, it was said today at the Recovery Administration.

Discussing Dr. Lowell's action, Johnson made it known that he was not abandoning the plan to have him on the authority. However, if Dr. Lowell adheres to his determination not to serve, another appointment will be made.

Notables Flock to "Christina" Opening

Careful motor cars, traveling over icy Times Square, deposited a notable first night audience at the Astor last night for the premiere of "Queen Christina," the new Garbo picture.

It was "a modest opening," as M-G-M officials at the theatre put it. "No excitement. The picture speaks for itself," they said. Seen in the lobby exchanging pleasantries with Nicholas M. Schenck was Joseph P. Kennedy. In the audience were Adolph Zukor, Mae Murray, Nita Naldi, David M. Loew, Leopold Friedman, Sophie Tucker, Paul Yawitz, Si Seadler, Tom Connors, Edward Bowes and a flock of others.

Two other notable events were on New Yorkers' calendars last night. One was the opening of Katharine Hepburn's new play, "The Lake," at the Martin Beck Theatre. A number of film men were among those present, including Arthur Mayer, operator of the Rialto, and Mrs. Mayer. The other was the formal opening of the season at the Metropolitan.

Foiled by the Snow

The Warner exploitation force failed to cheer over yesterday's heavy snow storm. It interrupted one of their pet stunts on behalf of the Strand and "Convention City." This was the introduction to Broadway of boardwalk rolling chairs from Columbus Circle to 42nd St. They promise a repeat when the highways get reasonable.

Wellman on "Villa"

HOLLYWOOD, Dec. 26. — William Wellman has taken over the directorial reins of M-G-M's "Viva Villa." He is the third director to step in on the job.

Howard Hawks and Jack Conway have already tucked most of the picture in the bag.

Looking 'Em Over

"Queen Christina"

(M-G-M)

Greta Garbo returned to Broadway last night in "Queen Christina," a routine story fashioned around the life of Sweden's famous sovereign of the early 17th century. While the vehicle went creaky in spots and reminded strongly of others of similar ilk which have gone before, its dialogue, by S. N. Behrman, in many of its passages, rose to near poetic heights in swing and resonance.

What "Queen Christina" has, however—and it is its all-important something—is Garbo, the one and only Garbo portraying alternately a stern and harassed ruler, a soft woman as only this actress can shade a portrayal with delicate nuances of meaning. The story, telling it in the sentence which is all it requires, concerns the conflict between statecraft and love, her passion for John Gilbert, the abdication from the throne to be near him and the irrevocable separation which parts them as the lover falls at the point of Ian Keith's sword.

Miss Garbo, in a part which she handles with ease, does beautifully and goes very far in turning the make-believe here into credibility. Lewis Stone, C. Aubrey Smith and Reginald Owen are excellent in the support. Gilbert falls considerably behind them and, by his performance, merely recalls to mind the days, some years back now, when his romantic philandering carried the touch of the real thing. Rouben Mamoulian's direction is restrained, intelligent and occasionally slow in making the dramatic threads intertwine, but, in the main, his efforts make this attraction well above the average in content and value.

Firstly and lastly, however, "Queen Christina" returns Garbo to theatres in her first picture since "As You Desire Me" and "Grand Hotel." That was almost a year and a half ago. That's what will count above all else at the box-office. K.

"Enlighten Thy Daughter"

(Exploitation Pictures)

Press sheets describe it as "a smashing indictment of parental prudery," and that is what it is. A little less emphasis on the "indictment" in the closing scenes and it would be the poignant drama of a school girl's mistake, presented with a fine cast and with the more delicate phases of the story handled in excellent taste.

The title indicates it probably will be sold as a shocker. As a matter of fact the story was directed with delicate sympathy by John Varley and has a strong girl and woman appeal.

Coming home unexpectedly from a private school, Miriam Battista finds her father lecturing on family duties, while her mother is devoting herself to bridge. She meets Edmund MacDonald, a handsome youth, and their mistake occurs in the first flush of their romantic attachment. Dramatic complications start a week or two later when MacDonald falls in love with the girl's cousin, Beth Barton, and becomes engaged to her. Her father, Herbert Rawlinson, is a doctor and is called in to talk to Miss Battista.

At the height of the tension, with the marriage of MacDonald and Miss Barton a few days away, Miss Battista takes poison. MacDonald is called from a bachelor dinner to the deathbed scene. As the two families sit about overwhelmed, Miss Barton's brother, Charles Eaton, comes into the room and says he has killed MacDonald.

An unusual device is resorted to in these final scenes. The girl's father and mother sit with drawn faces and unmoving lips, while the sound track gives voice to their thoughts of what they should have done for their daughter.

"Rainbow Over Broadway"

(Chesterfield)

If more of an effort had been made in this film to stick closer to reality the net result would have been a rating of better than fair. It is hazy just what the producers intended it to be. The tale is of the musical stage luminary of another age who marries a meek fellow, tries to impress people with a veneer of culture and uppishness and finally by a stroke of chance finds herself thrown again before the public, this time as a singer in a high-tone night club.

This is material best suited to farce, to be sure, but the producers have wavered between farce and straight drama. The final product is neither fish nor fowl. However, there is for neighborhoods a certain amount of humor and interest in "Rainbow Over Broadway." The night club atmosphere may also prove an asset.

The only names that may be expected to have any drawing power are those of Joan Marsh, Frank Albertson, Lucien Littlefield and Nat Carr.

(Additional reviews on page 8)

Expect Continuance Of Cleveland Plan

(Continued from page 1)

Division Administrator Sol A. Rosenblatt speak at the Columbus convention of the M. P. T. O. of Ohio early in December.

Rosenblatt is represented as saying that if the Cleveland protection plan is satisfactory to the majority of exhibitors, he sees no reason for altering it. Ninety per cent of Cleveland exhibitors signed the plan, thereby signifying their satisfaction with it.

Heavy Rains Severe Blow in Washington

(Continued from page 1)

and business sections have been under one to five feet of water, and showhouses have been closed.

For several days, Seattle was cut off from the east and south by washouts that have stopped all rail and motor traffic. Film exchanges have found transportation of film almost impossible in many situations.

While there has been no damage in Seattle itself, the unprecedented rains have kept residents at home and theatres have suffered.

Government's Wheat Aid Helping Kansas

(Continued from page 1)

of show business in that region with a concurrent increase in grosses for exchanges in this territory.

Pouring of Government money into the hands of Kansas wheat farmers at the rate of $600,000 a day, with much more to come, is the most heartening factor for Kansas exhibitors in the long period of depression.

A survey by the Agricultural Adjustment Administration shows the farmers are spending the money as fast as they receive it.

Local 306 Holding Vote With Machines

(Continued from page 1)

officers of Local 306. The president will not be included in the elections.

With 1,850 operators slated to vote, eight machines will be on hand at Palm Garden when the polls open at 8 o'clock this morning and close 12 hours later. Ballot counts have been criticised so much in the past that Harry Sherman, president, ordered them out.

Powers Back Today

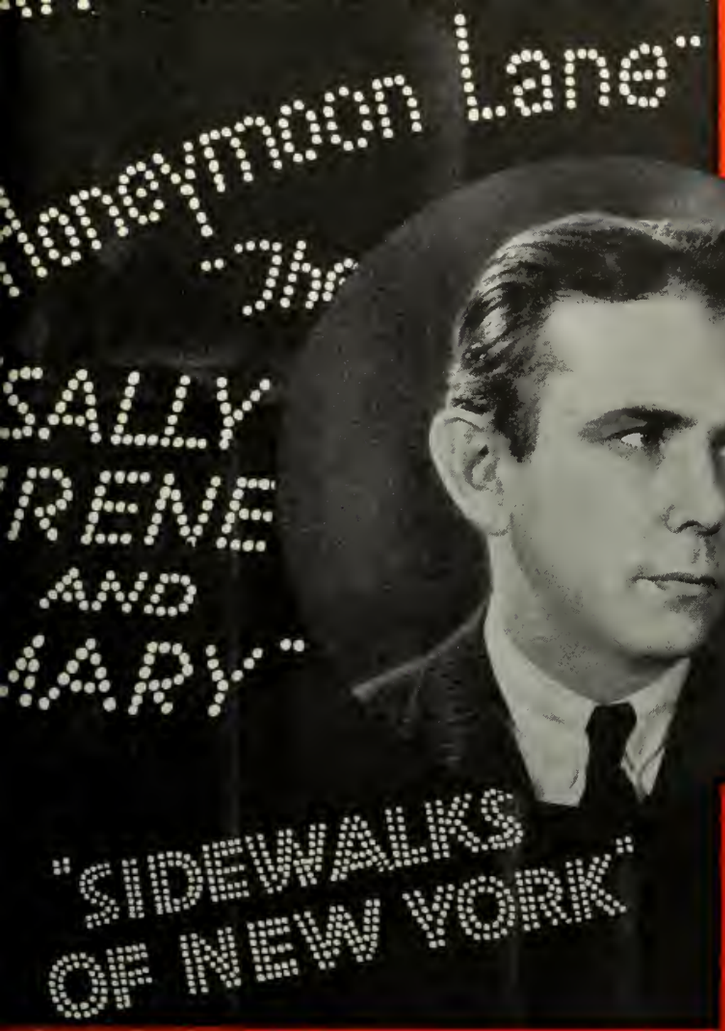
P. A. Powers, president of Celebrity Prod., gets back from the coast today from conferences with Ub Iwerks on the "ComiColor Cartoon" series and "Willie Whopper" series It is reported Powers also talked with a number of producers about proposals for increasing the number of Celebrity releases.

Frances Marion East

HOLLYWOOD, Dec. 26. — Frances Marion has completed the screen play for "Good Earth" at M-G-M and will leave for New York in a few days.

New Pact for Rogers

HOLLYWOOD, Dec. 26.—Will Rogers has signed a new contract with Fox calling for five at $125,000 each.



Eddie Dowling

In Association with

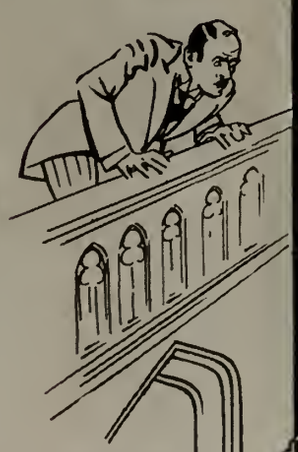
Arthur Hopkins

Presents

An Eddie Dowling Production
Directed by Arthur Hopkins
Supervised by Ben Jacksen

LILLIAN GISH
and
ROLAND YOUNG

The first half of his double life proposed to him. He was too weak to resist her so he ran away from it all.



It was his own funeral. He thought he had buried his past in a casket, but the reports of his death were greatly exaggerated.

"HIS DOUBLE LIFE"

The second half of his double life was someone he had never heard of before, and she presented him with two full grown sons. He wished he had stayed at his own funeral.

The whole of his double life he found at last, and they lived happily ever after.

A PARAMOUNT RELEASE

'Little Women' Stands Out in General Slump

(Continued from page 1)

in Chicago at the Palace with $25,000.

New York suffered with the rest. "Should Ladies Behave?" and a stage show drew $28,665 at the Capitol. "House on 56th St.," in its third week at the Hollywood, grossed $8,600. At the Strand, "Sin of Nora Moran" was weak at $6,850, and the second week of "Advice to the Lovelorn" pulled only $3,900 at the Rialto. "Jimmy and Sally," with a stage show, held the Roxy to $18,200.

Reopening of the Midwest in Oklahoma City sent that city's first runs into a new slump. Grosses were shot to pieces the week before Christmas. "The Masquerader" took $3,900 at the Criterion, below normal by $1,100. "The Kennel Murder Case," "Jimmy and Sally," "My Lips Betray" and "Berkeley Square" were all weak.

"Keyhole" Draws in Cleveland

"Broadway Thru a Keyhole" was the only pre-Christmas attraction to get real money in Cleveland. It was $1,000 up with a $4,000 take at the Allen. "My Lips Betray" and "If I Were Free," the only other single bill attractions, were away off. Three dual bills, "Ace of Aces" and "Midshipman Jack," "The Women in His Life" and "Should Ladies Behave?" and "The Fire Chief" and "Fury of the Jungle" were all weak.

With business off nearly 40 per cent in Buffalo, big money went to "The Masquerader" and a vaudeville show at the Buffalo, where the take was $10,000. "The Mad Game," "Berkeley Square," "My Lips Betray" and "Myrt and Marge" were something less than fair.

"Myrt and Marge" and "Blood Money" held up fairly well in Indianapolis in spite of the general slump.

"Little Women" played a return engagement in Minneapolis last week and $7,500 at the RKO Orpheum. "Sitting Pretty" was strong under prevailing conditions with $7,500 at the Minnesota, Minneapolis, and the St. Paul Paramount. "Cradle Song" held up with $5,500 at the State. "Female" made a good showing with $4,000 at the St. Paul Riviera.

Re-issues in Philadelphia

Three of Philadelphia's nine first runs played re-issues and second runs last week. The Stanton, with "From Headquarters" did a fair $6,300, within $700 of normal. "Blood Money" had a weak $4,000 at the Aldine, "King for a Night" took only $1,200 in four days at the Arcadia, "The Right to Romance" was about 33 1-3 per cent off at the Boyd, "The Chief," helped by a vaudeville program, reached $11,000 at the Earle, and "I Was a Spy" hit $14,000 at the Fox.

Total first run business in Pittsburgh was less than half the normal take. "The Mad Game" at the Fulton took $3,100, "White Woman" reached $7,200 at the Penn, and "Man of Sentiment," helped by a stage show, was low at $3,000 at the Pitt. "Cradle Song" was the only better-than-average feature in town. It reached $5,300 at the Warner. "Lady Killer" was fair with $8,000 at the Stanley.

Business generally was in a state of near-collapse in San Francisco, but "Little Women," in its third week at the Golden Gate, pulled $10,400, above par by $400. "Cradle Song" also did well, reaching an average $4,000 at the Columbia, and "Thunder Over Mexico" was strong at $8,500 in the United Artists.

"Little Women" went through a third week in the Blue Mouse at Seattle with a gross of $3,500, one of the bright spots in the surrounding gloom. "Sitting Pretty," at the Fifth Avenue, was down to $5,750, "East of Fifth Avenue" and "The Thrill Hunter" were good for only $3,500 at the Liberty, and the rest of the weak takes were: "White Woman" and "Day of Reckoning," Orpheum, $5,500; "As Husbands Go," Paramount, $4,500; "Chance at Heaven," Roxy, $3,500.

Providence citizenry went everywhere except to theatres in the pre-Christmas excitement. The best showing in town was made at the Paramount with "Sitting Pretty" and "Important Witness," where the take was $6,100. "As Husbands Go" and "Mr. Broadway," another dual bill, took only $5,000 at the Majestic. "Ever in My Heart" and a stage show garnered a weak $6,000 at Fay's, while Loew's State was away off with $7,800 on "Blood Money" and a stage show.

Looking 'Em Over

"Chance at Heaven"

(*Radio*)

Set in a rustic background, the love affairs of Joel McCrea make for pleasing entertainment. There are a number of laughs and wisecracks to liven the interest.

In love with Ginger Rogers and saving the earnings from his gas station for the planned marriage, McCrea takes a fancy to Marion Nixon when the society girl breezes into the small western town to make her home on Silver Beach. In time McCrea forgets his obligation to Miss Rogers and eventually elopes with Miss Nixon. They live happily, but the marriage does not meet with the approval of Virginia Hammond, the bride's mother.

When she learns she is to become a mother Miss Nixon gets her husband's consent to return to New York and there get the medical attention she needs. After several months in the east, McCrea's wife refuses to return, swayed by her mother that she should forget the past. McCrea then realizes that the girl he should have married is the country-bred Miss Rogers.

Andy Devine and Lucien Littlefield are in brief sequences for comedy relief.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Man of Two Worlds"

(*Radio*)

HOLLYWOOD, Dec. 26.—From the frozen North to London's Mayfair Eskimo Francis Lederer comes to woo an English society girl, Elissa Landi. Amid icebergs, the Eskimo falls in love with the photograph of the English lady who, in the flesh, is the daughter of the leader of a fur trading expedition.

Because of his hunting prowess, the Eskimo tacitly is accepted and brought to London. There the equality complex asserts itself and the Eskimo, believing he is white, goes into a rage when he sees the girl of the photo kissing her fiance in person. Thwarted in Mayfair, he goes back to the Arctic, forgets and is hailed once again as the mighty hunter.

Lederer's personal choic of Ainsworth Morgan's novel as his first picture is somewhat of a slight to his own talents: His romantic flair is ever present, but is only partially revealed. He doesn't seem to get out from under his fur piece. Yet, Lederer has potentialities, fire, distinguished ability and appeal for women. Even in this he gives a competent show, but the hinterlands are not apt to get hot about his hot Eskimo. Miss Landi, seldom warm on the screen, is again cold, and Howard Green's script keeps showmanship out front. J. Farrell McDonald, Henry Stephens and Sara Padden do well in the support.

"Man of Two Worlds" may be well served as a promise of nectar and ambrosia to come from Lederer later.

"Alice" Portland Hit

PORTLAND, Dec. 26.—"Alice in Wonderland," with Charlotte Henry making a personal appearance, showed to 15,000 youngsters and grownups opening day at the Paramount.

"Castle" for Rialto

"A Man's Castle" opens at the Rialto tomorrow evening.

New Theatre Ads Bringing Forth Praise

(Continued from page 1)

jectionable advertising and publicity features concurrently with the Christmas season, which is said to have made the new department's work all the more noticeable.

Although the present activities of the department do not embrace direct supervision over theatre advertising, this important phase of public contact was brought under the department's influence by the voluntary cooperation of advertising agencies handling theatre accounts, which sought advice and suggestions from McCarthy's office on newspaper copy. The influence of the department has also been extended to cover advertising and publicity on independent productions in instances where independent companies have voluntarily submitted copy for suggestions in advance of its use.

Copy Is Scrutinized

Under the initial functioning of the department all advertising and publicity copy of the nine major companies, members of the M. P. P. D. A., is scrutinized and either approved or rejected. This embraces magazine, newspaper and trade paper advertising and publicity, press books, poster sketches and copy, and stills made in the east. Will H. Hays is the only authority to whom an appeal from a McCarthy ruling on objectionable matter can be taken. Only one such appeal has been made in the five weeks of the new department's functioning.

Although the industry's advertising code of ethics plays some part in the standards which guide the department's decisions, McCarthy describes it as a "very small part."

"Our first standard," he said, "is that of good taste. Even if a subject is exactly on the line between good and bad taste it is not difficult to decide whether it is one or the other. Our standards of judging are flexible, however, and are guided entirely by the individual case in hand. An illustration that is objectionable for one use may be perfectly proper in another use."

McCarthy said that no hard and fast rules had been devised for the department, other than those dictated by good taste, and that no rules would be reduced to writing. "Written rules are too easily evaded," he said, "but a standard of good taste is inescapable."

A Hollywood department designed to regulate the release of stills is functioning on the west coast under the direction of Joseph I. Breen of the M. P. P. D. A., and augments the work of McCarthy's office.

Integrity Closes Deal

American distribution rights to "The Miracle Man of the Centuries," a religious subject produced in Italy, have been acquired by Integrity Film Corp. The picture is scheduled for roadshowing in key cities, after which it will be booked direct to theatres.

Sam Marx Recovers

HOLLYWOOD, Dec. 26.—Sam Marx will return to his desk at M-G-M the first of the year, having recovered from a recent appendicitis operation.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 150 NEW YORK, THURSDAY, DECEMBER 28, 1933 TEN CENTS

Coast to Get An Office for Code Matters

Committee, Secretary to Represent Authority

HOLLYWOOD, Dec. 27.—Offices of the standing committee of Code Authority will be opened here within the next month or six weeks with Division Administrator Sol A. Rosenblatt supervising the event. It will handle studio and production problems. There will be a paid secretary in charge of the branch who will function independently of the authority members in New York. The man named for the local post, however, will be appointed by the eastern body, probably at the next session on Jan. 4.

Rosenblatt is due here late next month to set up the office, which will

(*Continued on page 6*)

John Flinn Named To Authority Post

John C. Flinn of Paramount yesterday was selected secretary of the Code Authority by a committee comprising George J. Schaefer, Nicholas M. Schenck and Nathan Yamins. That Flinn was favored for the post

(*Continued on page 6*)

Authority Looking for Office

Work has already begun by the Code Authority committee on headquarters for setting up a permanent office in New York for the body. Several locations are under consideration. Among them is an office in Rockefeller Center. The committee, which consists of Charles L. O'Reilly, H. M. Warner and R. H. Cochrane, will report to the authority at the Jan. 4 session, when, it is expected, one of the selections will be approved.

Music Hall Ends 1st Year; Did $3,970,706 with Films

The Radio City Music Hall, world's largest theatre, rounded out its first year of operation yesterday and, for the 50 weeks during which it played combination pictures and elaborate stage shows, did a gross of $3,970,706, according to MOTION PICTURE DAILY's estimated takings for the period. This includes a forecasted $92,000 for the week ending last night with "Flying Down to Rio."

The house threw open its doors on the evening of Dec. 27, 1932, with an all-stage policy, but switched to pictures and stage shows on Jan. 11, with "The Bitter Tea of General Yen" as its opening celluloid attraction.

Drawing its films from many of the major companies, the house, during the 50 weeks of its combination policy, played attractions handled by Columbia, Fox, Paramount, Radio, United Artists, Universal and Warners. Its allied producing company, Radio, was given 23 weeks of playing time divided over

(*Continued on page 4*)

Para.-St. Francis Bond Deal Approved

An order approving the plan of Paramount Publix trustees for readjustment of the bond issue of the St. Francis Theatre Bldg., San Francisco,

(*Continued on page 4*)

Biograph Formally Opens Its Portals

Throwing its hat into the ring in a competitive bid for eastern production, the new Biograph studio, fresh from the hands of skilled laborers who

(*Continued on page 6*)

Wingate Says No New Rules Are Necessary

Avers Clean Films Need Is Now Recognized

No new regulations or enforcement provisions for bettering the moral tone of pictures are regarded as necessary by Dr. James Wingate, studio relations counsel for the M.P.P.D.A., who said yesterday that a new consciousness of the desirability of improving pictures is apparent in Hollywood and contributes all that is necessary to make the production code of ethics an effective instrument.

Dr. Wingate said that the code of ethics would remain as the standard of judging good taste in production. He said that his office and much of Hollywood felt that improvement had been made during the past year in enforcing the code and that an in-

(*Continued on page 6*)

Harrison Quits As Head of Federation

P. S. Harrison handed in his resignation as head of the Federation of the M. P. Industry at a meeting of the organization last night at the Park Central. W. Ray Johnston, president

(*Continued on page 2*)

Lodge Faith in Better Pictures; Anticipate the Code Will Bring About a New Order in Affairs of Industry

By AL LICHTMAN
Vice-President, Gen'l Sales M'g'r, United Artists

Throughout 1933 the industry waged a valiant battle, along with other businesses, against the world-wide depression, and in the past few months has made steady progress toward recovery. Our hope for better times is about to be realized, I believe.

The Government's reconstruction program is beginning to show a favorable reaction and, when the monetary

(*Continued on page 4*)

By SAMUEL GOLDWYN
Production Executive of United Artists

HOLLYWOOD, Dec. 27.—As we go into 1934 I am more convinced than ever before that in the policy of fewer and better pictures which I have always maintained lies the salvation of the industry.

It is impossible to turn out 400 or 500 good pictures a year because there are not enough good writers, good directors and good executives to produce that many

(*Continued on page 4*)

By A. JULIAN BRYLAWSKI
President, M. P. T. O of District of Columbia

WASHINGTON, Dec. 27. — While much has been said about the advantages to the exhibitor and labor under the code, as they would seem to be the chief beneficiaries thereunder, and some little has been said of its advantages to the producer and the distributor, there is still another interest, and in fact the most important group of all who will also benefit therefrom,

(*Continued on page 4*)

By EMMETT THURMON
Sec'y and Counsel, Rocky Mountain Theatre Owners Ass'n

DENVER, Dec. 27.—The theatre code has been approved by the Federal authorities and, from all indications, they are going to contend that every phase of the industry will be expected to comply therewith, regardless of whether it is good or bad.

Without a doubt it is better than the selfish, tyrannical and foolish attempts of certain individuals to im-

(*Continued on page 4*)

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Garbo Gets Mixed Reviews, Most N. Y. Critics Praising

"Queen Christina," Greta Garbo's first solo starring picture in almost a year and a half was accorded mixed reviews by New York newspaper critics yesterday with most of them, however, giving the picture unstinted praise.

Excerpts from the reviews follow:

American.—Thoroughly at home in the atmosphere of this tragic love story, Rouben Mamoulian has endowed the film with all the directorial sincerity and pictorial artistry of which, at his best, he is capable, while handsome investure, and a well-cast group of supporting stars make the latest Metro-Goldwyn-Mayer triumph a superb drama beautifully produced. * * *

Perhaps Garbo has never evidenced so great and diverse an appeal as in the role of the changeling queen. The varied moods of the part find perfect portrayal in her histrionic understanding. * * *

John Gilbert makes a dashing lover as of yore and plays his fiery role with proper intensity. He seems now a better actor than before. * * *

Brilliant playing, too, by Ian Keith, the ever-engaging Lewis Stone, the skilful trouper, Reginald Owen, and in degree by C. Aubrey Smith, Gustave von Seyffertitz, Ferdinand Munier, while the newcomer, Elizabeth Young, shows remarkable promise in the second feminine lead in the Garbo film.

Daily Mirror.—Garbo is matchless. Garbo is still supreme. After a shrewd, protracted absence from the screen, she returns in a glamorous, stirring and mighty romance: * *

Throwing herself with all the intensity of her love for Sweden into playing its heroic Queen, Garbo does the greatest work she ever has offered the screen. With passionate sincerity she presents a Christina who breaks your heart and merits your awe. The trick this woman has, never has been mastered by her imitators. That trick is an abandon of self. Whether Garbo is playing Christina of Sweden or Tina of Woolworth's, she plays her. And the performance is an exciting thing to watch. * * *

Handsomely mounted and costumed, richly photographed, the production has a grandeur which matches its story theme. It is an impressive, stirring and lovely picture, glorified by the greatest work of the greatest actress in films.

Daily News.—The opening and the closing scenes of "Queen Christina" are beautifully conceived and executed pictures. The first series combines amusement with grandeur and the latter is touched with a majestic melancholy induced by the artistry of Garbo's acting. * * *

The story * * * is not a particularly enthralling drama, but Garbo does manage to create a real and moving sympathy for the queen in two fine scenes. * * *

John Gilbert plays the Spaniard a little too self-consciously. Ian Keith is good as a jealous lover of the Queen. Lewis Stone is an expert Chancellor, and C. Aubrey Smith is fine as the Queen's serving man.

The sets showing the castle and the streets of seventeenth century Stockholm are beautifully done. The picture moves a little slowly, but with grace from one lovely setting to another.

In spite of its deficiencies, "Queen Christina" is a picture that must not be missed, because Garbo is at her best in some of its scenes.

Evening Journal.—Majesty came to the Astor Theatre screen last evening. It came in the person of Greta Garbo, whose "Queen Christina" is superb. Garbo not only plays Queen Christina. She is Queen Christina. It is a rich, an eloquent and immensely believable portrait that she draws. Through the sheer magic of her arresting personality, she brings to life a 17th century figure and invests it with warmth and vitality and grandeur. * * *

The elaborate settings and costumes are impressive, and, so well is the story constructed, that they very properly remain as a background, instead of intruding as "historical" props. The supporting cast is splendid, with Gilbert doing extremely well. * * * But "Queen Christina" is entirely Garbo. And Garbo is magnificent.

Herald-Tribune.—There is about her "Queen Christina," * * * not only the heroic quality such a role demands of a fine actor, but a new depth of feeling.

All of those qualities which as Anna Christie, Cavallini (in "Romance") Grusinskaya (in "Grand Hotel") have commanded attention by their enduring beauty, have been intensified here; have been etched with a glamour which has a new gravity and maturity. Growth of this kind is possible only for a really great artist.

The story is a happy selection for the new talent she has to give. * * *

She is helped, too, by Mr. Mamoulian, who seems inspired by the sincerity of his star.

Post.—Though the subject is eminently appropriate, one cannot help but deplore the uses made of the material. * * * It is as good a subject as any, and there is certainly no reason why the sparks which are generated from the contact of a regal Swede with a Spanish cavalier shouldn't register way up at the top of the thermometer.

Unhappily, though, there is no such temperature anywhere in evidence in the picture. * * *

It would be this department's guess that the continuity and direction of "Queen Christina" have done more to take the life out of the picture than any other factor. Though Miss Garbo is disappointing in her stilted and self-conscious posturings, though John Gilbert is studiously theatrical as the lover, and though the others in the cast are consistently less than convincing, the fault ot the picture lies in the heavy artiness of its seventeenth century decor and the exasperating lethargy of the pace. It is beautiful to look at; beautifully mounted and beautifully costumed, but this effect has been gained at the expense of action and drama.

Sun.—As Queen Christina Miss Garbo is eccentric, mysterious, enigmatic. She strides about in male attire. * * *

That characterization of Christina may be historically correct in every detail. With that point there is no quarrel. The point, in so far as this member of last night's audience is concerned, is that Garbo never succeeds in creating the illusion that she is a Queen. * * *

Thus * * * there is this strong note of unreality, which is at once the picture's most glaring defect and source of greatest disappointment. The unreality pervades the piece, is translated to the other actors and makes of the whole a stiff and vaguely unsatisfying presentation—something that lacks life, flesh and blood, movement. * * *

"Queen Christina" misses fire, somehow, and that is disappointing.

Times.—* * * a skillful blend of history and fiction in which the Nordic star, looking as alluring as ever, gives a performance which merits nothing but the highest praise. She appears every inch a queen.

S. N. Behrman, the playwright, is responsible for the dialogue, which is a bright and smooth piece of writing, and Rouben Mamoulian did the direction. Mr. Mamoulian still has a penchant for asking the audience to fasten their gaze on his work with lights and shades rather than continuing the story, but here he does it less frequently than hitherto, and his scenes are, without a doubt, entrancing compositions. * * *

If history has been gilded it is accomplished neatly and intelligently. Mr. Mamoulian's glimpses and vistas of the Queen's palace are extraordinarily striking. * * *

World-Telegram.—* * * an excellent historical romance called "Queen Christina," rich in its vitality, its writing, its drama and its splendor.

Chief concern with last night's festivities belongs, I suspect, less to the picture in which she appeared than to Miss Garbo herself. * * *

But in spite of Miss Garbo's truly magnificent impersonation of Sweden's strange, abnormal, brilliant, mysterious queen and the excellent work of her supporting cast, it would be eminently unfair to overlook its fine story. Although it has been swept clean of biographical facts, it is full of interest and sympathy and has true beauty and majesty in its dialogue.

Harrison Quits As Head of Federation

(*Continued from page* 1)

of Monogram, and Harry Thomas, president of First Division, were mentioned as likely candidates for the post vacated by him. Harrison, in explaining his action, said he had accepted the presidency with the understanding it was a temporary post which would cease to exist with the end of code deliberations. His resignation will be acted upon at a meeting of the executive committee within the next few days.

Continuance of the federation was voted at the meeting and plans for a membership drive discussed. Members also considered means of placing the financing of the federation on a permanent basis which might involve assessing member companies on a royalty arrangement.

Mickey NRA Mouse Keeps 10,000 Busy

Mickey NRA Mouse and the Silly Symphony troupe have put 10,000 people to work, according to United Artists. They made the announcement after a survey—not a census—and said 70 manufacturers were producing Disney characters in cloth, novelties and toys.

The Ingersoll Watch Co. alone, the statement says, put 2,500 people to work making Mickey Mouse watches and clocks, and the Norwich Knitting Mills has three-quarters of the population of Norwich making Mickey Mouse sweaters. What the other quarter does was not made clear.

Loew's Pfd. Takes 1-Point Loss

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	2½	2⅜	2½	.....	200
Consolidated Film Industries, pfd	10¼	9¾	9¾	— ¼	600
Eastman Kodak	79¾	78⅞	78⅞	+ ⅜	4,500
Fox Film "A"	12¾	12¼	12⅝	+ ⅝	600
Keith-Albee-Orpheum, pfd.	15	15	15	.....	100
Loew's, Inc.	29¼	28⅛	28¼	— ¾	6,700
Loew's, Inc., pfd	72	72	72	—1	100
Paramount Publix	1¾	1½	1¾	+ ⅛	10,800
Pathe Exchange	1½	1⅜	1½	.....	800
Pathe Exchange "A"	10½	9⅝	10½	+ ½	500
RKO	2	2	2	.....	2,300
Warner Bros.	5	4¾	4⅞	.....	13,600

Trans Lux Rises as Others Slump

	High	Low	Close	Net Change	Sales
General Theatre Equipment, pfd	3/16	⅛	¼	— 1/16	600
National Screen Service	12¼	12½	12¼	— ½	500
Sentry Safety Control	¼	¼	¼	— 1/16	100
Technicolor	8¼	8⅛	8¼	— ⅛	300
Trans Lux	2¾	2¼	2¼	+ ⅛	500
Universal Pictures	1	1	1	—2	100

Warner Bonds Climb 1½ Points

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3⅞	3⅛	3¼	.....	23
General Theatre Equipment 6s '40, ctf	3⅛	3	3	.....	9
Loew's 6s '41, ex war	82	82	82	.....	6
Paramount Broadway 5½s '51	29	28¾	28¾	.....	38
Paramount F. L. 6s '47	30⅛	29½	30	+1	21
Paramount Publix 5½s '50	30¼	30	30	— ½	3
Warner Bros. 6s '39, wd	39½	38	39½	+1½	17

Local 306 Elects O'Keefe Vice-Prexy

New officers, exclusive of president, were elected yesterday by Local 306, I.A.T.S.E., as follows: James O'Keefe, vice-president; George Reves, recording secretary; Charles Beckman, financial secretary; Charles Hyman, treasurer; Tom Michaels, sergeant-at-arms; Harry Levine, New York business agent; Bert Topkin, Brooklyn business agent.

Joe Abrams, Hyman Boritz and Nat Goldschlag were named to the board of trustees. Elected to the executive board were Cecil Wood, Ben Stern, Sam Kravitz, R. Weinstein, James Daisie, Dick Weis, Harry Klein, Jack Teitler, Harry Bergoffen and Frank Pineau.

Colorado Has Three Tax Bills Pending

DENVER, Dec. 27.—Three bills designed to tax admissions have been introduced in the special session of the legislature. Two mention admissions specifically, and the third would make it possible for certain tax boards to tax most anything they desire.

Laemmle, Jr., Off Soon

HOLLYWOOD, Dec. 27. — Carl Laemmle, Jr., will be leaving for New York any day on his way to a European sojourn of three months during which he will visit important foreign film centers.

"Going Hollywood" is doing "Dancing Lady" Business!!! Run these ads when you play it.

use this window Card – this herald!

Play these songs, Record tie ups – Radio

"Going Hollywood" is typical of

Metro-Goldwyn-Mayer

Faith Is Lodged in Better Films, Code

By AL LICHTMAN

(Continued from page 1)

question has been settled, the industry and business in general will naturally find a normal basis.

Good motion pictures will go far toward correcting the bad business in our industry, and by that I don't mean extravagant or flamboyant production costs. There is nothing that will take the place of quality, but it must be merged with those ingredients found entertaining by the motion picture-going public. The public draws such an intangible line between good and bad screen productions that a producer must utilize each of his resources to the greatest advantage to satisfy the public's taste in photoplay fare.

Production and exhibition costs are as high as they always were for those producers making quality pictures, and I believe that admission prices should be made commensurate with these expenses. False business stimulants, such as two-for-one tickets, double feature yrograms, should be eliminated.

By SAMUEL GOLDWYN

(Continued from page 1)

worthwhile pictures every twelve months.

Hollywood has been trying to make too many pictures for too many theatres. When a theatregoer sees one bad picture he loses an interest in screen entertainment that can be regained only by several good pictures, and the proper balance in product, unfortunately, is not there.

We need more big pictures for next year and the years to come for it is common knowledge that it is the few big pictures that carry the industry every year.

By A. JULIAN BRYLAWSKI

(Continued from page 1)

the theatre-going public, the consumer.

Apart from all of the objectives, advantages and accomplishments of the NRA in all of its code activities designed to secure a more even spread of employment, a higher level of wages and a larger proportion of recreative leisure, all of which will be the common heritage of the American public under successful code operation.

The motion picture-going public may expect under the operation of the code a finer class of entertainment, due to more carefully selected pictures with the elimination of many features objectionable to particular localities and clienteles. They may also expect better service from higher paid and more contented employees and better conditions, due to the better relationship of employer and employee.

Thus we feel that the operations of the code to be entirely practicable and successful must bring benefits to all of its branches and chiefly to the box-office, but expressed through the increased satisfaction of the consuming theatre-going public.

By EMMETT THURMON

(Continued from page 1)

pose their ideas upon the industry. Many changes have taken place in the last year. At least each branch, as a whole, of the industry is breaking even, and in many cases money is being made, whereas at the close of 1932 the industry was almost on the rocks.

This increase in business conditions has been brought about by many things: Salary reductions, better pictures, economy in production, distribution, exploitation and exhibition, together with the wonderful results of the NRA. All of the branches have apparently been operated on more sensible and business-like plans, than heretofore. The depression has taught many lessons, and no doubt ultimately wonderful results will flow therefrom.

It has been realized that producer-chain operation of theatres is not good business and cannot be operated as economically and for the welfare of all concerned as it was first contemplated. Individual operation of theatres lends a personal touch that cannot be secured in large chain operations. Reasonable individual or independent chain operation has proven quite successful.

The producers, distributors and exhibitors have learned that cooperation of various branches of the industry along sane and sensible lines wherein all are protected is far better than the old selfish ideas that have been so evident heretofore.

With this unselfish spirit of "live and let live" indelibly written upon the heart of the industry, and fewer, better, cleaner features produced, distributed, exploited and exhibited, in an economical and business-like manner, I predict that 1934 will be the most satisfactory year the industry has ever witnessed.

Music Hall Ends 1st Year; Did $3,970,706 with Films

(Continued from page 1)

21 individual pictures. The difference in the tally was supplied by "Little Women" which was housed there for three weeks.

"Cavalcade" (Fox) was the only other picture to be held for a second week until this morning, when "Flying Down to Rio" goes into a second stanza as well.

The Music Hall went over the $100,000 mark eight different weeks and reached its peak gross during the first year of operation with "Little Women" for the seven days ending Nov. 22 with a gross of $109,000. Low for the period went to "Ann Carver's Profession" with $44,938 for the week ending June 14.

Box-office tabulation for the entire period follows:

Attractions	*Week Ending*	*Gross*
Bitter Tea of General Yen (Col.)	Jan. 18, 1933, 8 days	$80,600
King's Vacation (Warners)	Jan. 25, 1933	85,000
State Fair (Fox)	Feb. 1, 1933	91,000
Sign of the Cross (Para.)	Feb. 8, 1933	92,542
Topaze (Radio)	Feb. 15, 1933	100,956
Great Jasper (Radio)	Feb. 22, 1933	89,631
Our Betters (Radio)	Mar. 1, 1933	91,499
King Kong (Radio)	Mar. 8, 1933	78,731
Christopher Strong (Radio)	Mar. 15, 1933	64,257
Sailor's Luck (Fox)	Mar. 22, 1933	54,385
Sweepings (Radio)	Mar. 29, 1933	88,811
The Keyhole (Warners)	Apr. 5, 1933	80,009
Cavalcade (Fox)	Apr. 12, 1933	107,761
Cavalcade (Fox)	Apr. 19, 1933	105,986
Working Man (Warners)	Apr. 26, 1933	79,332
Zoo in Budapest (Fox)	May 3, 1933	61,240
Silver Cord (Radio)	May 10, 1933	75,683
Warrior's Husband (Fox)	May 17, 1933	72,045
Adorable (Fox)	May 24, 1933	60,580
Elmer the Great (F. N.)	May 31, 1933	58,929
Cocktail Hour (Col.)	June 7, 1933	51,849
Ann Carver's Profession (Col.)	June 14, 1933	44,938
I Loved You Wednesday (Fox)	June 21, 1933	72,464
Melody Cruise (Radio)	June 28, 1933	64,901
Bed of Roses (Radio)	July 5, 1933	61,240
Private Detective 62 (Warners)	July 12, 1933	68,034
Professional Sweetheart (Radio)	July 19, 1933	76,638
Double Harness (Radio)	July 26, 1933	73,719
Devil's in Love (Radio)	Aug. 2, 1933	61,239
No Marriage Ties (Radio)	Aug. 9, 1933	67,346
Pilgrimage (Fox)	Aug. 16, 1933	78,660
Morning Glory (Radio)	Aug. 23, 1933	101,249
Paddy, the Next Best Thing (Fox)	Aug. 30, 1933	89,217
One Man's Journey (Radio)	Sept. 6, 1933	103,064
Lady for a Day (Col.)	Sept. 13, 1933	85,018
Power and the Glory (Fox)	Sept. 20, 1933	74,521
My Weakness (Fox)	Sept. 27, 1933	87,116
Ann Vickers (Radio)	Oct. 4, 1933	93,789
Dr. Bull (Fox)	Oct. 11, 1933	65,014
Private Life of Henry VIII (U. A.)	Oct. 18, 1933	103,000
Aggie Appleby, Maker of Men (Radio)	Oct. 25, 1933	59,000
Berkeley Square (Fox)	Nov. 1, 1933	80,344
After Tonight (Radio)	Nov. 8, 1933	64,000
Only Yesterday (Univ.)	Nov. 15, 1933	75,069
Little Women (Radio)	Nov. 22, 1933	109,000
Little Women (Radio)	Nov. 29, 1933	97,800
Little Women (Radio)	Dec. 6, 1933	102,000
Counsellor-at-Law (Univ.)	Dec. 13, 1933	80,000
Right to Romance (Radio)	Dec. 20, 1933	69,500
Flying Down to Rio (Radio)	Dec. 27, 1933	92,000
Total 50 weeks		$3,970,706

Para.-St. Francis Bond Deal Approved

(Continued from page 1)

now in bankruptcy, was issued yesterday by Referee Henry K. Davis.

Under the plan the building will be leased for 99 years by the Lurie Co., a newly organized leasing company, at an annual rental of $70,000. A $75,000 down payment will be made by Paramount Publix to cover last year's unpaid rent on the building, plus interest and administration charges. A $140,000 defaulted bond issue on the building will be paid in full, under the plan, by the Lurie Co. and Paramount Publix, with Paramount receiving a note from the new leasing company for all moneys expended by the parent company in behalf of readjustment of the bond issue.

The St. Francis is one of several west coast theatre properties originally leased by Paramount to Fox West Coast and now involved in a controversy over alleged defaulting of the lease contract.

Old Paramount Name Is Changed to Lares

DOVER, Del., Dec. 27.—Paramount-Famous-Lasky Corp. changed its name here today to the Lares Theatre Corp. of New York.

Ralph Kohn, in charge of Paramount theatre operations, could not be reached yesterday for comment on the reasons for the change of name of the Paramount-Famous-Lasky Corp., which has been inactive since Paramount Publix became the parent organization in 1927.

W. W. Armstrong Dead

SEATTLE, Dec. 27.—W. W. Armstrong, well known northwest theatrical man, died at the Seattle General Hospital. He had been a resident of the city for the past 17 years, having been associated with a number of the film exchanges. Before coming here he operated a theatre in Vancouver, B. C.

U. A. Men in Town

Sam Horowitz and A. M. Goodman, U. A. branch managers in Kansas City and Cleveland, arrived yesterday to spend the holidays here. George Dillon, special sales representative working out of Atlanta, returns to the south today after visiting his family here.

Postpone Amity Action

Preliminary examination of E. W. Hammons in an action filed by Amity Pictures to recover film revenues alleged to be due on Tiffany pictures, which was scheduled for yesterday, was postponed to Jan. 3.

Loew Party on High Seas

Arthur and Mrs. Loew and Joe and Mrs. Vogel are en route to the Dutch East Indies from Australia. They will arrive Dec. 30. On April 3 the Vogels sail for New York from Naples, arriving here about April 11.

Rowland-Brice Dicker

HOLLYWOOD, Dec. 27.—Monty Brice and William Rowland are negotiating with Universal for release of features to be made with Shubert money, it is understood.

Now that the Motion Picture Code is settled, the next big job facing this industry is . . .

THE NEW CODE FOR LOVERS!

MILLIONS WILL SIGN IT . . . THOUSANDS OF SHOWMEN WILL SIGN *FOR* IT!

It will revolutionize the love habits of the nation . . . . . .
Establish a 24-hour day for romance .
Call 20 million idle husbands back to their home-work! . . . . . .

A MAMMOUTH NATION-WIDE DRIVE TO PUT THE COUNTRY SQUARELY BEHIND THE N C L STARTS JANUARY 13th WITH THE RELEASE OF

"Easy To Love"

FEATURING PRACTICAL DEMONSTRATIONS OF THE NEW RULES FOR ROMANCE BY THESE PROMINENT LOVE EXPERTS—

Adolphe Menjou
Genevieve Tobin
Edward Everett Horton
Mary Astor • Guy Kibbee
Patricia Ellis
William Keighley, Director

Here are a few of the

STARTLING NEW RULES

for Husbands... Wives... Sweethearts!

1. Make your sweetheart's wife feel perfectly at ease when she visits you—even if you have to smoke a cigar to do it!
2. Don't ask embarrassing questions when you visit your husband's *other* apartment . . . It might annoy your hostess.
3. Don't question your husband's alibi about staying all night with a sick friend... Maybe she *was* sick!
4. Don't try to teach your husband's sweetheart a lesson . . . Take lessons from her!

WARNER BROS.

SET THE NEW STYLE IN SCREEN ROMANCE FOR 1934!

Vitagraph, Inc., Distributors

Coast to Get An Office for Code Matters

(Continued from page 1)

report its activities to the government, as does the eastern office. In addition to opening the Hollywood Code Authority branch, Rosenblatt will call meetings of all studio employes, analyze the code and answer questions pertaining to production. He will be here at least a week and probably two, during which time he is expected to delve into the salary question.

According to the code, the standing committee is to be representative of employers, extras and the public. It is designed to effectuate the purposes and to interpret the terms of any provisions made for extras and to supervise same, receive and pass on complaints and grievances and otherwise to aid in effectuating the provisions, subject to review by the administrator.

During Rosenblatt's coast trip, no sessions of the Code Authority will be held in New York. He is at present the only government representative on the board, Dr. A. Lawrence Lowell having refused to accept his appointment.

John Flinn Named To Authority Post

(Continued from page 1)

was exclusively reported in MOTION PICTURE DAILY on Dec. 20, the day the authority held its first meeting. His name was proposed by major representatives at the session but due to objections by independents, final selection was left to the committee named above.

Because a unanimous decision was needed in approving the selection, Yamins' vote was required, Schenck and Schaefer already having voiced approval of Flinn. The independents' nod was received yesterday.

Originally, the government post was slated to pay $12,000 annually, but this figure has been pared to $10,400 a year, or $200 a week. Flinn resigns his post at Paramount and officially takes up his new job at the next session of the Code Authority, Jan. 4. He is also president of the Ampa and will ask for a leave of absence at today's meeting of the organization.

Although unconfirmed late last night, it is understood there will be no successor to Flinn at Paramount, where he has been handling special exploitation.

Rosenblatt Due Friday

Division Administrator Sol A. Rosenblatt arrives from Washington tomorrow evening to spend the New Year's holidays with his family at Great Neck, L. I.

John Zinn Quits at "U"

HOLLYWOOD, Dec. 27.—John Zinn, four years with Universal as a business manager, resigned today. His future is undecided.

Briskin Returns Today

Sam Briskin, studio manager for Columbia, returns from Europe today.

At Biograph Studio Opening

Left to right: Herbert J. Yates, president of Consolidated; Robert H. Hammer, vice-president, Biograph Studios, Inc.; E. A. Nicholas, vice-president of RCA Victor in charge of sales; Helen Morgan, stage and film player; Chester Erskine, director whose first picture, "Frankie and Johnnie," will launch Biograph on its way, and Harry M. Goetz, president, Biograph Studios, Inc.

Biograph Formally Opens Its Portals

(Continued from page 1)

brought it up-to-date, marked its formal opening yesterday afternoon with a party at which the estimated attendance ran to 500. The visitors came and went all afternoon.

To dance music supplied by Victor Young and his orchestra, and cocktails and highballs, plus food, supplied by two bars on either side of the lower stage, the ceremonies, entirely informal, began at three o'clock and ran into early evening.

Many of the leaders of the industry in New York were among those present. One of the nice gestures of the day was a formal courtesy visit paid Robert H. Hammer, Biograph vice-president, by H. G| Knox of Erpi and T. K. Glennon of Eastern Service Studio with which Biograph is now in competition.

An array of high officials of RCA Victor which installed the Photophone "High Fidelity" sound which the revamped studio will use made the trip from Camden to attend the opening. Among them were E. A. Nicholas, vice-president in charge of sales; Major I. E. Lambert, vice-president and general attorney; W. R. G. Baker, vice-president in charge of engineering and manufacturing; E. O. Heyl, sales manager, Photophone division; Pierre Boucheron, advertising manager; Van Ness Phillips, head of the export division, and Julius Haber, in charge of public relations.

During 20 years following its opening in 1908 the studio's two stages were devoted to silent pictures, but in recent months it has been entirely rebuilt for sound work. The basement houses storage spaces for equipment and props, complete carpentry and machine rooms, a ventilating system, and the nerve centers of a sprinkler and fire fighting apparatus. Also on the lower level is the administration quarters and one of the light control boards.

On upper levels of the administration building are business offices, projection rooms, a barber shop, with makeup men, rehearsal rooms, cutting rooms, film vaults and a restaurant. Connecting with this is a four-story building with two large stages. The lower stage, on the second floor, is 118 feet x 77 feet, with 22 feet headroom. The upper stage is on the fourth floor and has the same floor dimensions with 28 feet headroom, except in the center, where it is 32 feet.

Chester Erskine will start production Jan. 2. His first will be "Frankie and Johnnie" probably with Tallulah Bankhead and Helen Morgan.

Among those glimpsed were: R. W. Altschuler, Fred Ayer, Lee S. Buckingham, Walter Brown, Richard Brady, Pierre Boucheron, Ben Blake, J. J. Brown, Jr., C. D. Burrows, Colvin Brown, W. C. Bentley, J. Baker, H. O. Bele, David Beberman, Harold Collins, C. Conklin, J. P. Case, J. W. Coffman, R. H. Cochrane, Jack Cosman, James A. Cron, R. Delson, Henry L. Davis, Ben Erdman, Arthur W. Eddy, Bernard F. Foster, T. C. Fry, Harry Frazee, H. B. Franklin, R. E. Fehse, Eddie Golden, Charles Goetz, Jack Goetz, Harry M. Goetz, Raymond Gallagher, Raymond Gallo, Wallace Guerber, Bert Glennon, L. Gray, H. Grey, M. Green, Philip A. Hunt, Julius Haber, E. O. Heyl, Earle W. Hammons, Helen E. Hughes, Joe Horne, George Halbert, H. A. Huebner, W. Ray Johnston, Sydney Jerome, H. G. Knox, Red Kann, J. Kapp, M. H. Lavenstein, C. L. Lootens, N. K. Loder, Major I. E. Lambert, H. Lott, Joseph Mayer, Harold Menken, Helen Morgan, F. Murphy, A. J. Miller, Duncan McGuire, Willard S. McKay, J. MacWilliams, Oscar Neu, H. G. Neu, Lee A. Ochs, Van Ness Philip, Ralph Poucher, R. F. Perez, Martin Quigley, Erno Rapee, W. H. Raybell, N. E. Raymond, J. Rothenberg, F. Rothenberg, J. J. Speiss, Bernard Schultz, Jess Smith, M. Simon, S. Siegel, H. Smith, J. Schneider, A. E. Satherley, M. J. Siegel, J. Schwartz, E. H. Seifert, Douglas Simon, Harry Thomas, Nick Tronolone, Fred Tiepel, A. Tabb, A-Mike Vogel, A. J. Van Beuren, A. F. Wiseburn, Arthur Williams, C. D. Wooster, Sidney Wilmer, William Wentz, Richard Wallace, J. Wexler, H. J. Yates, Sr., H. J. Yates, Jr. and T. W. Yates.

Advent of Biograph in its new dress was heralded by a special section published in MOTION PICTURE DAILY on Tuesday. Copies of the edition were much in evidence at the opening.

Wingate Says No New Rules Are Necessary

(Continued from page 1)

crease in the number of better pictures had resulted during the year.

"The cooperation of producers is definitely better now than it was a year ago," Dr. Wingate said. "There is a better realization of what is wanted in picture improvement and there is a greater willingness to attain it. This has been aided by the box-office success of pictures like "Little Women," which have demonstrated so clearly that a clean picture can be a commercial success. We will see more biographical and historical plays in the near future."

Dr. Wingate is here on a periodical visit to the M.P.P.D.A. home office and plans to return to Hollywood immediately after the first of the year.

Denver Code Board Names Well Known

DENVER, Dec. 27.—Most of the better known film leaders in this territory are included among the names submitted to the Code Authority as nominees for zoning and clearance and grievance boards by the Rocky Mountain Theatre Owners' Ass'n.

For zoning and clearance boards the names follow: Affiliated distributors—J. H. Ashby, RKO manager; Earl Bell, Warners; non-affiliated distributor—Wayne Ball, Columbia; affiliated exhibitors—Rick Ricketson, F. W. C. Intermountain Division manager; L. J. Finske, Cooper-Publix; non-affiliated exhibitors—Louis Hellborn, Denham, manager; E. J. Schulte, Casper, Wyo., owner; subsequent run exhibitors—Burns Ellison, Federal owner; Buzz Briggs, State manager; A. P. Archer, Civic Theatres; Harry Nolan, owner of houses at Greeley and Grand Junction.

Grievance board: Affiliated distributors; Ashby, J. R. Morrison, Fox manager; Jack Langan, Universal manager; non-affiliated exhibitors—Wayne Ball; affiliated exhibitors, Ricketson and Finske; non-affiliated exhibitors—Harry Huffman, Denver circuit operator.

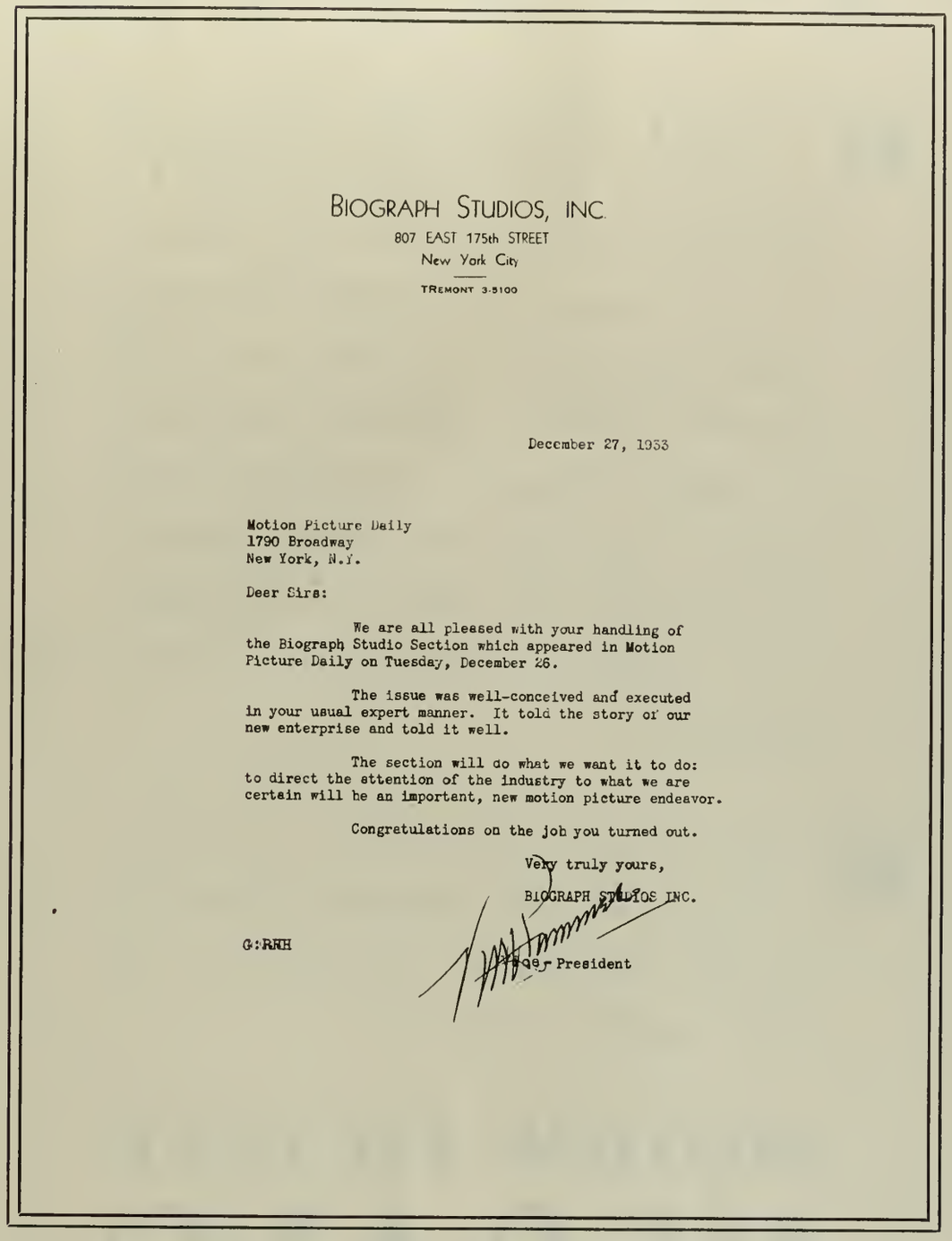
Ampa Seeks Members Outside of New York

Broadening its activities to include all publicity and advertising men, the Ampa is inviting membership from press agents in the field as far west as Chicago and east to Boston. The move was decided upon at a recent meeting of the board of directors.

Writers' Guild to Make Officer Shifts

HOLLYWOOD, Dec. 27.—Starting in March, Joe Manciekwicz will be succeeded as secretary of the Writers' Guild by Dudley Nichols and Ralph Block will be succeeded by Ernest Pascal as treasurer. Block is acting president.

"... in your usual, expert manner"



BIOGRAPH STUDIOS, INC.
807 EAST 175th STREET
New York City
TREMONT 3-5100

December 27, 1933

Motion Picture Daily
1790 Broadway
New York, N.Y.

Deer Sirs:

We are all pleased with your handling of the Biograph Studio Section which appeared in Motion Picture Daily on Tuesday, December 26.

The issue was well-conceived and executed in your usual expert manner. It told the story of our new enterprise and told it well.

The section will do what we want it to do: to direct the attention of the industry to what we are certain will he an important, new motion picture endeavor.

Congratulations on the job you turned out.

Very truly yours,

BIOGRAPH STUDIOS INC.

G:RHH

Manager President

MOTION PICTURE DAILY

Live, Alert, Progressive Business Newspaper

..GUINEA PIG ADVENTURES

¶ TERRY RAMSAYE, Editor of MOTION PICTURE HERALD, rambling and exploring in the motion picture areas of the United States has come to a pause in Hollywood, and like the Chinese diplomat that he is, he begins his series of articles about picture-making and picture-makers by starting at the end when the product is done, with a story of the preview.

¶ His first Hollywood article—"Guinea Pig Adventures in Preview Land"—appears exclusively in this week's issue of . . .

MOTION PICTURE HERALD

OUT TODAY

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 151 NEW YORK, FRIDAY, DECEMBER 29, 1933 TEN CENTS

Davis Delays O.K. for New Dent Lineup

Approval Awaits Arrival Of Hoblitzelle Counsel

Approval by Referee Henry K. Davis of corporate and financial plans under which the capital stocks of all subsidiaries of Dent Theatres, Inc., will be sold to a new corporation to be organized later was withheld yesterday pending the arrival of counsel for Karl Hoblitzelle, who is expected here from Texas today.

Under the basic plan approved by Referee Davis on Oct. 6, the 54 Texas and New Mexico houses comprising the Dent circuit will be operated for Paramount Publix by Hoblitzelle, who pays the Paramount trustees $50,000

(*Continued on page* 8)

No Alternates Set; Need Johnson O.K.

Although W. C. Michel acted as alternate for S. R. Kent due to the latter's absence in Hollywood and J. Robert Rubin for Nicholas M. Schenck because the M-G-M and Loew president was expected to be called out of the first Code Authority

(*Continued on page* 8)

IATSE Opens Office In Hotel at Capital

The I.A.T.S.E. has opened offices at the Hamilton Hotel in Washington with Louis Krouse, executive assistant to William C. Elliott, in charge. The plan is to be near the NRA headquarters in the event labor problems come up for discussion.

Flinn to Continue As Ampa President

John C. Flinn will continue as president of the Ampa in addition to his post as executive secretary of the Code Authority. He is now finishing

(*Continued on page* 4)

Time for Practice

Hollywood, Dec. 28. — Sol Violinsky, now here for the winter and hoping to reconnect with the Marx Brothers, says his pawnbroker plays his violin better than he does— He has had it much longer.

Libson and Road He Goes Cincy's "Ace" Attraction

By RED KANN

CINCINNATI—Isaac Libson is his name, but he's more easily recognizable when he's called Ike. For years the dominant figure in Cincinnati's show world until he sold out to interests that finally alphabetized themselves into RKO, this showman, one of America's veterans, is back in the saddle once again and in the strategic spot which once was his.

It is now a trifle over a month since Libson and Ben L. Heidingsfeld, lawyer and associate of many years' standing, were elected to the board of RKO Midwest Corp., a wholly-owned Radio-Keith-Orpheum subsidiary which is the big noise exhibition-wise here. With that move came Libson's return to power and considerable speculation on the part of those who know over what road Libson will travel and what it will

(*Continued on page* 4)

Toronto Sunday Ban On, Montreal Opens

TORONTO, Dec. 28.—Police have issued a warning that no kind of performance, free or otherwise, will be permitted Sunday evening before midnight and no tickets can be sold at box-offices on Sunday for the New Year's midnight shows. Advance sale of tickets will be limited to Saturday night.

In contrast with this, Montreal will run full blast all day Sunday and throughout Sunday night, with no restrictions on ticket sales.

The Ninth

Cincinnati, which pretty much means Ike Libson, is covered today in the ninth of a series on Middle Western business conditions.

Pittsburgh will appear shortly.

More Theatre Unions Seen As Impending

Further unionization of theatre employes loomed yesterday as the result of the settlement of a jurisdictional squabble between the Ass'n. of Theatre Agents and Managers, which has an A. F. of L. affiliation, and the Theatre & Amusement Employes' Union of New York by which the latter relinquished to the first-named organization any right to unionize house treasurers and ticket sellers.

In its essence, the arrangement in which participated Theodore Mitchell, president, and Charles F. Lawrence, secretary and treasurer for the Ass'n. of Theatre Agents and Managers, and Charles C. Levey, secretary and treasurer for the Theatre

(*Continued on page* 2)

RKO Center's 1st-Year Take $1,084,959

Total for Radio City's Houses $5,055,665

The RKO Center, nee the Roxy, trailed its big brother, the Music Hall, into an anniversary of its own last night when it completed the first year of operation to a total gross of $1,084,959. The figures, compiled from MOTION PICTURE DAILY records, indicate a total business for both houses of $5,055,665 for the 12-month period, sans the first two weeks of the bigger house when the all-stage policy held the boards.

From the day it opened on Dec. 29, 1932, the Center remained faithful to the film end of its program. In its first 21 weeks, which closed on May 25, first run pictures and presentations, on a more modest scale than prevailed up 6th Ave. at the Music Hall were the scheme. In those 21 weeks, the house, aided by curiosity patronage which went to see what the house was about for the first time, turned in $693,287 of its yearly take.

On May 26, the policy was switched to features only and the theatre made part of the RKO city metropolitan circuit, playing product day and date with neighborhood de luxers such as the 81st St. Thirty-one weeks under that policy resulted in a $391,672

(*Continued on page* 8)

A. T. & T. Gets Big Loew's Stock Block

A. T. & T. will acquire approximately 230,000 shares of Loew's stock under the split-up of the block of 660,900 shares which were purchased at auction last week by a committee representing holders of $18,300,000 of defaulted notes of Film Securities

(*Continued on page* 2)

Minor Actors Charge Violations of Code

HOLLYWOOD, Dec. 28.—Supporting and extra players, jointly with the Hollywood Picture Players Ass'n., are planning action against alleged produ-

(*Continued on page* 8)

Berman Asks Less Talk, More Sweat

By PANDRO BERMAN
Associate Producer, RKO

HOLLYWOOD, Dec. 28.—There is, and always has been, a bit too much talk and not enough hard work in this industry.

The depression has helped a lot to rectify this condition, and undoubtedly this buckling down to duty, to sincere creative effort, is going to be reflected in 1934 in the finest entertainment product this industry has ever known.

The NRA is yet an untried and unproven experiment, in so far as motion pictures are concerned. But there is no denying that its general premise and the motive behind it are praiseworthy. Let's not predict, but just put our trust in this institution and start working hard . . . harder than we have ever worked before, to make better-than-good pictures.

Goldstein Expects Pick-Up for 1934

By E. H. GOLDSTEIN
Vice-President, Majestic

I'm no crystal gazer. Therefore, I make no definite prophecies about the code, or the perplexing problems of the business. Based on actualities, however, I think 1934 will see an improvement of business for all industries, and therefore, of necessity, for our own business.

Repeal has helped already. We have some evidence of that now. People, in general, are somewhat more confident and hopeful because the unemployment bugaboo is somewhat diminished.

Movies are indispensable and, as the prospects brighten slowly but surely for recovery, our business in the same slow but sure manner, will receive the benefits of a gradual return to normalcy.

No Paper Monday

***Motion Picture Daily* will not publish on Monday, Jan. 1, New Year's Day.**

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Fiske Here to Seek Distribution Deals

William Fiske, III, president of Seven Seas Corp., is in town negotiating for release of a series of features to be produced in foreign countries. His first, "Cane Fire," was made in Hawaii with Hollywood principals and a native supporting cast.

His next will be made in the Philippines. Later he plans one in China, to be called "Oil for China Lamps."

Seeks Gloria Swanson

HOLLYWOOD, Dec. 28.—Warner is seeking Gloria Swanson to play opposite Edward G. Robinson in "Napoleon." The company has assigned Kay Francis to another costume film, "Dubarry."

STATE RIGHTS FOR SALE

GARBO

IN

"Streets of Sorrow"

(Synchronized with Music) and Ivan Abramson's original version of

"ENLIGHTEN THY DAUGHTER"

Featuring Arthur Donaldson and Zeena Keefe

PUBLIC WELFARE PICTURES

723 7th Avenue New York City

LeRoy Gets Last Taste of Freedom

Mervyn LeRoy, who on Tuesday will marry Doris Warner, sole daughter of H. M., had a tough time getting admitted to his own bachelor dinner at the Astor last night. About 150 Warner executives and friends of the director conspired with him in making his last stand for freedom. By the time the party broke up early this A. M. the efforts of a battery of masters of ceremonies and others had been successful in making Mervyn sufficiently familiar with the facts of life to enable him to enter matrimony without trepidation.

Arrangements were in the hands of Gradwell L. Sears, Harold Rodner and S. Charles Einfeld. The trio set out to make it hot for LeRoy and from the director's looks they were successful.

Among those present besides these were:

Albert Warner, H. M. Warner, Sam E. Morris, A. C. Thomas, Samuel Carlisle, Stanleigh Friedman, Harold Bareford, Carl Leserman, Rudy Weiss, Arthur Rapf, Al Levy, Sam Schneider, Al Lasker, Clayton Bond, W. S. McDonald, Joseph Bernhard, I. J. Hoffman, Ted Schlanger, Lester Krieger, Moe Silver, Frank Cahill, H. Maier, Tom Martin, Jim Burman, Steve Trilling, Sid Retchetnik, Joe Miller, Abe Devorsky, A. W. Smith, Jr., Jake Wilk, Paul Muni, Herman Starr, Arthur Lyons, Herman Baker, Cliff Hall, Jack Pearl, Paul Burger, J. Englander, Harry M. Goetz, Jules E. Brulatour, Myer Lesser, R. W. Budd, Red Kann, James P. Cunningham, Don Gillette, Jack Alicoate, Harry Charnas, Jules Levy, Moe Rosenberg, Buddy Morris, Al Manheimer, M. Ebenstein, B. Halberstadt, David Beader, Ed Schwartz, "Toots" Shore, Ed Davis, Arthur Sachson, Edward L. Alperson, Jack Henley, David Mendoza, Herman Ruby, Sam Sax, Eddie Moran, Lee Stewart, Frank L. Gates, Cy Wood and J. J. Rosenthal.

Warners Move Zone Office to Memphis

MEMPHIS, Dec. 28.—Transfer of Warners' Tennessee-Kentucky zone office, first forecast in MOTION PICTURE DAILY weeks ago, became a reality this week as orders for the shift from Louisville to Memphis were approved in the circuit's home office.

The move was predicted when Howard Waugh, manager of the local Warner, was made zone manager.

Saul Immerman, auditor, has arrived to complete details of the transfer. Milt Gurian, chief booker for the zone, is here and Joe Bohn, office manager, with the personnel, is expected soon.

Flash Reviews

"A Man's Castle"
(Columbia)

Another artistic achievement for Frank Borzage. . . . Rich in human appeal and handled with tender charm. . . . Spencer Tracy is excellent and elicits swell support. . . .

"The Son of Kong"
(Radio)

The story lags up to the last two reels. . . . It is mildly entertaining and probably will find better results with children than adults. . . .

Full reviews of these two films will appear in a later issue of MOTION PICTURE DAILY.

Year's Best Picked By Board of Review

Selection of the best pictures of the year, American and foreign, has been made by the National Board of Review. The winners are:

"Berkeley Square," "Cavalcade," "Little Women," "Mama Loves Papa," "She Done Him Wrong," "State Fair," "Three-Cornered Moon," "Topaze," "Zoo in Budapest," "The Pied Piper" (Walt Disney cartoon), "Hertha's Erwachen," "Ivan," "M," "Morgenrot," "Niemandsland," "Poil de Carotte," "The Private Life of Henry VIII," "Quatorze Juillet," "The Rome Express" and "Le Sang d'un Poete."

"Topaze" is designated the best film of the year.

Offices Close Saturday

All major companies, with the exception of Universal and United Artists and Fox, which has not reached a decision, will close their home offices tomorrow.

Watts on Hollywood

Richard Watts, Jr., film critic of *The New York Herald-Tribune*, yesterday launched the first of a series on Hollywood where he now is.

Briskin Back, Confers

Sam Briskin, Columbia studio manager, returned yesterday from Europe and immediately went into a prolonged conference with home office executives

To Affiliate with MPTOA

COLUMBUS, Dec. 28.—New trustees of the Ohio M. P. T. O. at their first meeting today voted to affiliate with the M. P. T. O. A.

"U" Up 2⅜ in Rising Market

	High	Low	Close	Net Change	Sales
Consolidated Film Industries	2¼	2⅜	2⅛	.....	600
Consolidated Film Industries, pfd	10⅜	10¼	10¼	+ ½	800
Eastman Kodak	81	79¾	80⅞	+2	2,000
Fox Film "A"	14	12¾	13⅞	+1⅛	2,700
Loew's, Inc.	28⅞	28¾	28⅝	+ ¾	4,800
Paramount Publix	2	1¾	2	+ ¼	14,000
Pathe Exchange	1⅝	1⅝	1½	.....	200
Pathe Exchange "A"	10¾	10½	10¾	+ ¼	400
RKO	2⅛	2⅛	2⅛	+ ⅛	1,200
Universal Pictures, pfd	18	18	18	+2⅜	1,000
Warner Bros.	5¼	4⅞	5⅛	+ ¼	5,200

Stocks Gain on Curb

	High	Low	Close	Net Change	Sales
Educational	17⅛	17⅛	17⅛	.....	100
General Theatre Equipment, pfd	3/16	3/16	3/16	+ 1/16	100
Technicolor	8¼	8¼	8¼	+ ⅛	100
Trans Lux	2⅜	2¼	2⅜	+ ⅛	600

Warner Leads Bond Market Rise

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¾	3¼	3¼	.....	3
Paramount Broadway 5½s '51	29¾	29⅜	29¾	+ ⅝	4
Paramount F. L. 6s '47	30	29	29½	+ ½	26
Paramount Publix 5½s '50	30	30	30	+ ¾	3
Warner Bros. 6s '39, wd	40½	38¾	40½	+1	30

More Theatre Unions Seen As Impending

(*Continued from page* 1)

& Amusement Employes' Union will turn over to the latter all classes of employes used in the front of the theatre, such as ushers, doormen and ticket choppers. The contract giving Mitchell's organization, which has heretofore been active in the legitimate theatre field, ticket sellers resulted in passing to his jurisdiction 300 cashiers in Greater New York theatres which Levey declared yesterday already had been unionized.

Mitchell's union, he declared, now covers press agents, company managers, treasurers, cashiers and advance agents. Both organizations, through their spokesmen, voiced their intention yesterday of working jointly on revision of the code provisions on wages as those clauses affect their constituents.

Ushers at Roxy Refuse To Join the New Union

Ushers at the Roxy have turned down an offer to join Building Service Employes, Local 118, recently formed to unionize local theatre workers.

A spokesman for the ushers stated that the men saw no benefits in joining the union and since all are being paid above the scale provided in the industry code and working the number of hours prescribed.

Irving Lesser said that if the ushers wanted to join it was up to them, but he had no objections. He also stated that the management offers its employes more benefits that any union could give them.

A. T. & T. Gets Big Loew's Stock Block

(*Continued from page* 1)

Corp., on which the Loew's stock was posted as collateral.

Holders of the Film Securities notes, of which A. T. & T. was the largest with $8,000,000, are now turning them in to apply on the purchase price for the stock. They receive a number of Loew's shares in proportion to the amount of Film Securities notes turned in by each. Chase National Bank, which held approximately $4,000,000 of the defaulted Film Securities notes, receives approximately 115,000 shares of Loew's. Dillon, Read and Hayden, Stone & Co., each of which held about $2,000,000 of the notes, receive approximately 57,500 shares apiece. The remaining $2,300,000 of notes was held by 13 other banks and corporations, among which the balance of the Loew's stock, or approximately 200,000 shares, will be distributed.

Romance in U. A.

In addition to spending a brief vacation here, Sam Horowitz, U. A. branch manager in Kansas City, is in New York to announce his engagement to Sadie Feuerstein, secretary to Al Lichtman.

NEWS OF THE WEEK IN PHOTO-REVIEW

'FASTEST COMEDY OF THE YEAR'—'certain money attraction'—are samples of unanimous press applause for Warners' 'Convention City' at N. Y. Strand premiere.°

NEW COVERAGE RECORD set by Warners' with 3 out of 4 first runs listed simultaneously in Kansas City, Des Moines, Denver, with Cagney's 'Lady Killer' outstanding in all 3 spots.

FEBRUARY PRE-RELEASE DATES to be accepted by Warner Bros. for their newest star-laden musi-spectacle, 'Wonder Bar'.

ANOTHER HAPPY NEW YEAR forecast for 'Disraeli', as initial re-release runs bring holdover biz in Washington and Denver.*

NAPOLEON'S BOSS. Frank Borzage wins directorial assignment for Edw. G. Robinson's next for Warners' after 'Dark Hazard'.°

'56TH STREET' STRONG AT 51ST STREET. Kay Francis hits 5th record week at Hollywood, N. Y., as *Variety* reports 'hunky dory' receipts in Boston and Pittsburgh openings.*

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

Piqued by Delay in Releases

Libson Back On Throne In Cincinnati

(Continued from page 1)

mean in re-shaping the local theatre map.

The deal that took the circuit which Libson built into the RKO camp involved considerable money—millions, in fact. Much of the purchase price has changed hands; a substantial portion of it has not. Does the change presage a switch in ownership? Will RKO go through, hold the houses it bought at a fancy figure, or eventually will they revert to the man who constructed and nurtured them?

The eventuality is something the future will take care of in due course, but that doesn't prevent anyone who can wield a scalpel from scraping surface indications in an effort to find out what's to be found beneath.

Regardless of all that, however, the fact in the situation as it stands today is that Libson is back on the theatre throne he occupied for so long; back to run the RKO theatres here as he likes without worrying or paying too much attention to the ends of the strings that lead into the RKO Building in Rockefeller Center.

It was in March of the year now rapidly fading that RKO made its original arrangement for Libson to run the local works. He did—for four weeks; discovered New York insisted upon holding the whip hand, required more requisitions and memorandums than Libson found quite necessary when he ran the selfsame theatres himself, and quit cold. It was immediately thereafter that Nat Holt, formerly a Fox West Coast man and now RKO divisional manager with headquarters in Cleveland, was brought in.

Because Libson completely dominates downtown Cincinnati and all major film output, but one, through his management of RKO houses, he is the big noise and the city's main attraction. Whenever he does anything the rest of the theatre fraternity stops, looks and listens. Probably nobody but Libson could operate as he does today.

Does the Unusual

Even while he had pursued his way in virtual retirement as a big league operator, he had kept his finger in the rich pie on which he has been thriving for these many years through his on-his-own operation of Keith's, the only first run competitive to RKO; the Gifts, a local 450-seat second run; the Strand, a 1,000-seater in Dayton, and the Empress, Grand Rapids.

The spectacle, therefore, is an unusual one, for while Libson, of necessity and by reputation, will and does all he can for his major RKO responsibility, he is also a direct competitor. That goes not alone for Cincinnati, but for Dayton, where RKO operates Keith's and Colonial, while, at the minute, it keeps the State padlocked.

Developing under his guidance, with the actual job in the lap of Arthur Frudenfeld, former RKO division manager in Detroit, is an interesting Libsonian idea. It finds direct reflection in a brand-new move whereby the 3,300-seat Albee, the 1,800-seat Capitol, the 1,400-seat Lyric and the 1,100-seat Family will divide available Class A product whereas it was the big Albee which skimmed the cream from the celluloid milk until now. There remain only the Grand, with a capacity of 1,600, and the Family, as the only RKO-ers downtown to continue on a split week policy.

The Albee hereafter will give up some of the big pictures in favor of the others. The Capitol, which has been a second run following the Albee, is thus slated for a build-up, while pictures which will appeal to women primarily will be housed at the Lyric, where once the feminine contingent liked to congregate in the theatre's legitimate days and still does. The Palace, continuing its policy of films plus stage show, it is figured, will continue to draw on the basis of what goes on across the proscenium.

Libson, like other major theatre operators throughout the Middlewest, complains in no uncertain terms about the inability of what he calls the "in between" attractions to get money. He asserts the one big drawing card in any given week pulls, while other houses suffer. It is his thought that an equalization of available money pictures over the powerfully intrenched RKO line-up will do much to alleviate such a situation by a spread in bookings and a gradual build-up in the minds of the buying public that not all of the best are to be concentrated in any one gives house. It is an experiment, pure and simple so far, but Libson knows it will take months for the microscope to give up the truth and proposes carrying through to the limit on his hunch.

Downtown Business Ahead

Downtown, business is far ahead of neighborhood grosses. The approximately 50 outlying houses embraced in the geographical boundaries of Greater Cincinnati blame this state of affairs on the first run situation. Controlled as it is with no competition to fuss over, product is spotted in when the Libson office decrees. The claim is advanced that, under existing protection which compels neighborhood houses geared at 25 cents top to wait 70 days after completion of the first run, pictures are anything but fresh out of the can and that business suffers in proportion to the delay in release.

M-G-M is one distributor, at least, which apparently feels pretty much the way the independents feel and is credited with being the principal factor in a currently discussed move to make product, or its product anyway, available to 30-cent neighborhood theatres 45 days after the first run is through with it. It is possible something may come of it with all distributors joining hands. It can only happen, however, if Libson wants it to.

A worry and a growing one to some major distributors is the rising tide of 10-cent shows. As of a few weeks ago, 850 of the 1,350 houses served out of Cincinnati were functioning. It is asserted more small towns are handled from this point than any other exchange center in the United States with the exception of Dallas. These 850 houses divide themselves over Southern Ohio and part of Kentucky, the latter section continuing to be terribly hit by the situation in the coal mine areas. It may be possible to check the development through 15-cent minimum admission price clauses in contracts and it may not.

Hurting the downtowners to some extent is the new state tax which collects 10 per cent of each admission over a dime. Cincinnati draws considerable patronage from Covington, across the Ohio in Kentucky. Connecting the two cities is a toll bridge with a 10-cent tariff per car. This, plus the Ohio tax, makes theatregoing a slightly more expensive pas-

(Continued on page 8)

Rise of 40-Cent Shows Causes Lot of Worry

Ambidextrous

Cincinnati. — Moe Segal, president of Majestic Pictures of Ohio, now operates the Mayfair, formerly the Ufa in the Masonic Temple Building. His patronage is highbrow.

That's why Segal rarely, if ever, plays any of his own pictures.

On Checkers

Cincinnati. — Independent exhibitors here have a complaint on checkers and checking services. Say many of them:

"Those damned checkers go out and take a drink and then report what they think we ought to be doing."

Flinn to Continue As Ampa President

(Continued from page 1)

his duties at Paramount in advance of formally taking over his government job.

"The Ampa is important to the industry and any other part of the business," he said, "and I want to see the organization continue its good work, although I may not be in a position to give it as much time as in the past."

Within the next few weeks the organization will put on exhibit specimens of advertising which have appeared in trade and fan mgazines. They will be on view at the Astor for two days, the purpose being to show outside critics what the industry is doing.

Columbia yesterday donated a volume of 100 stars' photographs and their autographs to the organization and Lou Goldberg was appointed chairman of the next session.

STATE RIGHTS FOR SALE

NOW BOOKING ENTIRE U. S.
STATE and FOREIGN RIGHTS for Sale
JEWEL PRODUCTIONS, 723 7th Ave., N. Y.

Flinn Successor to Wait

No successor to John C. Flinn will be appointed for the time being, Robert Gillham, advertising, publicity and exploitation head of Paramount, stated yesterday.

Earl Hamilton Re-elected

HOLLYWOOD, Dec. 28.—Earl Hamilton has been re-elected president of Operators' Local 150, I.A.T.S.E., while M. Neilsen will continue as vice-president. R. L. Haywood succeeds Ernest Apperson as business manager. E. L. Robbins, Frank Sawyer, W. H. Fife, J. B. Kenton and Ed Larsson have been named to the executive board.

Giannini Leaves Soon

Dr. A. H. Giannini, chairman of the board of the Bank of America, National Association, which does considerable film financing in Hollywood, is rounding out his first New York stay since last year when his visit was marked by illness.

He expects to leave for Los Angeles Sunday.

Lightman Opens 2, Dickers for Another

MEMPHIS, Dec. 28.—Improvement in conditions throughout this territory during the past 90 days makes possible the reopening of two M. A. Lightman theatres and the addition of a third, bringing the total to 35.

The Pastime at Helena opened Christmas and the Princess in North Little Rock, Ark., will open early in January.

Lightman is negotiating with O. C. Hauber of Jackson, Tenn., for the Hauber.

Chico May Do 1 for B-G

HOLLYWOOD, Dec. 28.—Chico Marx is reported to have informed Joyce-Selznick of his willingness to accept a one-picture deal with British-Gaumont.

First we ran this ad - The public was pleased, They loved the simplicity of it. Then we blossomed out into more detail -Like this-

RESULT: The biggest opening rush The Astor Theatre (N.Y.) has ever had Keep your campaign Consistent with the wonderful Quality of the picture The name Garbo is magic. the picture is typically

Metro-Goldwyn-Mayer

TO THE BREATHLESS
UP
UP
UP
FLYING DO
RKO
Radio
PICTURES
MERIAN C. COOPER
Executive Producer
IT'S WRITTEN IN THE SKIES!...

CLIMAX OF ALL MUSIC SHOWS!

OPENING
NEW YEAR'S EVE
FROM COAST TO COAST BRINGING
1934 IN ON WINGS OF SONG!
NOW IN SECOND WEEK
RADIO CITY

WN TO RIO

with

DOLORES DEL RIO

GENE RAYMOND • RAUL ROULIEN
GINGER ROGERS • FRED ASTAIRE
and 200 Beautiful Girls Picked from 10,000
Staged in Fabulous Beauty by Louis Brock
Stunningly Directed by Thornton Freeland

With the new song hits that are now filling the air..."Orchids in the Moonlight", "Flying Down to Rio", "Music Makes Me", and the
TANTALIZING - HYPNOTIZING "CARIOCA"

Music by VINCENT YOUMANS
Lyrics by Edward Eliscu and Gus Kahn

ANOTHER SMASH HIT FROM RKO-RADIO

Libson Proves Main Attraction in Cincy

(Continued from page 4)

time than it formerly was. The downtowners are having reason to learn about it.

Breadlines are fewer here. Cincinnati's 450,000 population is largely German, and, therefore, thrifty and inclined toward caution. This Southern Ohio city never went as completely haywire as did cities of similar and larger size during the boom, and so today reaps the advantages of its inherent conservatism.

As a 3.39 per cent film territory, it is the home of many diversified factories. Here are the Procter and Gamble soap and kindred product works, the Globe Wernicke desk and furniture company, the American Laundry Machine Co., 30 machine tool plants, 18 shoe factories. Eighteen selected industries, declares the Chamber of Commerce, showed a 3.7 per cent increase in employment in October over September and an increase of 38.9 per cent over October, 1932. That's something not to be discounted.

In one week alone, recently, 12,000 unemployed found jobs at the set $15 per week paid by the Civil Works Administration. Nine large breweries are working full blast to supply localities nearby with the flowing lager which rates high in these parts. Twelve more are in process of building or revamping to further justify Cincinnati's claim that it is the brewery capital of the world, Milwaukee, Munich and other points notwithstanding.

Unemployment Cut

Repeal finds National Distilling operating a branch for rectifying and bottling, the Schenley Products, Rossville Commercial Alcohol Co. and the Carthage Distilling Co. busy enterprises under the latest phase of the "New Deal." Between 500 and 600 industries and stores report they have cut a swath 53,000 individuals wide in unemployment ranks under the NRA and, as an additional factor which spells promise, is the almost unanimous opinion of exhibitor and exchangemen alike that repeal will materially increase theatre attendance.

Of interest is the Terminal Theatre, which occupies one small corner of the Union Station, the city's $43,000,000 consididated railroad terminal, which rivals the Netherlands-Plaza Hotel as the showplace of the city. Operating it is Willis H. Vance, who also runs the Latonia Theatre at Latonia, Ky. Having opened originally as a short subject house at a 10-cent top, it now runs features, too, and gets 15 cents more for doing so. Vance has no particular worries on rent, for his deal is based on a percentage of the gross, not profit.

Tax collections are up-to-date and delinquencies, unlike the situation in almost all other Middlewestern cities, are few. Factors such as these mean much and the film fraternity is properly grateful. When civic affairs take a turn for the worse where films are concerned, Cincinnati is in line for a break as well, for in office as mayor and as president of the city council is Russell Wilson, former dramatic and film critic of the *Cincinnati Times-Star*. At least, he understands motion picture language.

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RKO Center's First-Year Take Totals $1,084,959

(Continued from page 1)

gross. While the theatre as a first run with stage shows was, therefore, running at the rate of a $33,013 weekly gross in the first 21 weeks of the year, it dropped to an average of $12,134 a week in the final 31 under its split-week, all-picture policy.

When the Center operated as a first run, a check of its bookings shows Radio product filled only eight weeks of the playing time. Two attractions, "The Animal Kingdom" and "King Kong" played three weeks each, thereby giving Radio only four pictures in the 21-week period. Fox had seven, Universal, four; Columbia and Majestic, one. The high for the period was the opening week, ending Jan. 4, with "The Animal Kingdom" at $71.267 and the low, $12,322 with "Hold Me Tight" for the week ending May 25, or immediately prior to the straight picture policy shift.

In the final 31 weeks of the year, 53 different attractions played the house. In this latter period, the Center adhered to its split-week policy for 25 weeks. "The Private Life of Henry VIII" played one full week and half of a second; "I'm No Angel" ran a full week, as did "Invisible Man" while "Little Women" rounded out its third week on Tuesday night.

Of the 53 bookings, Radio gave time to 12 of its own. Columbia played six; Fox, 13; Paramount, 13; Universal seven and M-G-M and United Artists, one apiece. High take for the 31 weeks went to "Little Women" with $31,500 for the week ending Dec. 13, following its run at the Music Hall. The low went to a subsequent run of "Adorable" and "Supernatural" with $7,592 for the week ending June 30.

The following week-by-week grosses cover the year and are particularly interesting because they indicate how business has snapped back from Labor Day to the end of the theatre's first year:

Attractions	*Week Ending*	*Gross*
Animal Kingdom (Radio)	Jan. 4, 1933	$71,267
Animal Kingdom (Radio)	Jan. 11, 1933	59,000
Animal Kingdom (Radio)	Jan. 19, 1933, (8 days)	45,000
Hot Pepper (Fox)	Jan. 26, 1933	43,000
No Other Woman (Fox)	Feb. 2, 1933	34,010
State Fair (Fox)	Feb. 9, 1933	32,500
Child of Manhattan (Col.)	Feb. 16, 1933	33,792
Face in the Sky (Fox)	Feb. 23, 1933	29,077
Rome Express (Univ.)	Mar. 2, 1933	29,387
King Kong (Radio)	Mar. 9, 1933	39,548
King Kong (Radio)	Mar. 16, 1933	32,330
King Kong (Radio)	Mar. 23, 1933	27,950
Private Jones (Univ.)	Mar. 30, 1933	27,697
Pleasure Cruise (Fox)	Apr. 6, 1933	23,358
Out All Night (Univ.)	Apr. 13, 1933	24,371
World Gone Mad (Majestic)	Apr. 20, 1933	30,873
Cavalcade (Fox)	Apr. 27, 1933	34,090
Diplomaniacs (Radio)	May 4, 1933	26,764
India Speaks (Radio)	May 11, 1933	17,023
Kiss Before the Mirror (Univ.)	May 18, 1933	19,928
Hold Me Tight (Fox)	May 25, 1933	12,322
Silver Cord (Radio)		
Song of the Eagle (Para.)	June 2, 1933	12,322
Bedtime Story (Para.)		
So This Is Africa (Col.)	June 9, 1933	7,696
Warrior's Husband (Fox)		
Girl in 419 (Para.)	June 16, 1933	8,078
International House (Para.)		
Hell Below (M-G-M)	June 23, 1933	9,585
Adorable (Fox)		
Supernatural (Para.)	June 30, 1933	7,592
I Loved You Wednesday (Fox)		
Big Cage (Univ.)	July 7, 1933	13,534
Ann Carver's Profession (Col.)		
Cocktail Hour (Col.)	July 14, 1933	8,672
College Humor (Para.)		
Be Mine Tonight (Univ.)	July 21, 1933	11,156
Bed of Roses (Radio)		
Woman I Stole (Col.)	July 28, 1933	8,765
Melody Cruise (Radio)		
Best of Enemies (Fox)	Aug. 4, 1933	7,947
Double Harness (Radio)		
It's Great to Be Alive (Fox)	Aug. 11, 1933	9,651
Mama Loves Papa (Para.)		
Devil's in Love (Fox)	Aug. 18, 1933	9,850
Midnight Club (Para.)		
Professional Sweetheart (Radio)	Aug. 25, 1933	11,343
Pilgrimage (Fox)		
Her Bodyguard (Para.)	Sept. 1, 1933	10,601
Morning Glory (Radio)		
Don't Bet on Love (Univ.)	Sept. 8, 1933	18,414
Paddy, the Next Best Thing (Fox)		
The Wrecker, (Col.)	Sept. 15, 1933	8,253
One Man's Journey (Radio)		
No Marriage Ties (Radio)	Sept. 22, 1933	12,308
Lady for a Day (Col.)		
Three Cornered Moon (Para.)	Sept. 29, 1933	12,831
Moonlight and Pretzels (Univ.)		
Secret of Blue Room (Univ.)	Oct. 6, 1933	11,130
Power and Glory (Fox)		
My Weakness (Fox)	Oct. 13, 1933	10,732
Ann Vickers (Radio)		
Big Executive (Para.)	Oct. 20, 1933	11,000
Doctor Bull (Fox)		
Charlie Chan's Greatest Case (Fox)	Oct. 27, 1933	12,000
Private Life of Henry VIII (U. A.)	Nov. 3, 1933	20,763
Private Life of Henry VIII (U. A.)		
Berkeley Square (Fox)	Nov. 10, 1933	14,664
After Tonight (Radio)		
Ace of Aces (Radio)	Nov. 17, 1933	10,827
I'm No Angel (Para.)	Nov. 24, 1933	16,458
Only Yesterday (Univ.)		
Way to Love (Para.)	Dec. 1, 1933	10,500
Invisible Man (Univ.)	Dec. 6, 1933	10,500
Little Women (Radio)	Dec. 13, 1933	31,500
Little Women (Radio)	Dec. 20, 1933	20,500
Little Women (Radio)	Dec. 27, 1933	22,500
TOTAL		$1,084,959

Davis Delays O. K. For Dent Lineup

(Continued from page 1)

for all of the Class A stock of the operating corporation to be organized. This stock carries the right to elect two directors, the president and treasurer of the new corporation. All of the Class B stock will be held by Paramount and carries the right to elect two directors, the vice-president and secretary of the new corporation.

Paramount also receives two income debenture issues of $700,000 and $800,000 each of the new corporation. Approval of these documents by Referee Davis is necessary and involves the principal order to be sought today by attorneys for the Paramount Publix trustees. Under the deal, Paramount retains a six-month emergency repurchase agreement and two additional repurchase provisions.

No Alternates Set; Need Johnson O.K.

(Continued from page 1)

meeting at a moment's notice, no alternates have as yet been approved by the Administrator.

Designated alternates must first be certified to the Code Authority by members. The authority may reject alternates and require others to be named. The Administrator then approves permanent alternates.

Edward Golden, general sales manager for Monogram, is expected to be named alternate for W. Ray Johnston. Charles L. O'Reilly, president of the T.O.C.C., has not yet designated his substitute and speculation exists whether he will name a New York exhibitor or an independent theatre owner from a nearby city.

Minor Actors Charge Violations of Code

(Continued from page 1)

cer violations of the code. More rigid enforcement of the code was discussed at a meeting tonight, while the association, through its counsel, Eugene H. Marcus, intends to file formal complaints with Charles W. Grubb, code compliance director, against Warners, Paramount, Columbia, M-G-M and the Central Casting Agency, it is said.

Rosenblatt Here Tonight

Division Administrator Sol A. Rosenblatt arrives tonight from Washington to spend the holidays with his family at Great Neck, L. I.

Abe Blumstein Here

Abe Blumstein, short subjects sales manager of the Columbia exchange in Chicago, is in town for the holidays.

Hays Due Back Today

Will H. Hays is expected back from Crawfordsville, Ind., where he has been visiting his family, today.

MEN WANTED

First class, high pressure film salesmen, well acquainted in Eastern and Western Territories, for roadshow feature films. Can also use exploitation men. Booking on percentage—advance of $30.00. Advise full details.

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HUDSON TERMINAL, N. Y. CITY

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 34. NO. 152 NEW YORK, SATURDAY, DECEMBER 30, 1933 TEN CENTS

Harry Thomas Is Made Head Of Federation

Succeeds P. S. Harrison; New Board Named

Harry Thomas of First Division was named to the presidency of the Federation of the M. P. Industry, as successor to P. S. Harrison, who resigned Wednesday, at an executive meeting at the Hotel Astor yesterday. W. Ray Johnston, head of Monogram, was elected vice-president for distributors; I. E. Chadwick, vice-president for producers; Jack Bellman and Irv-

Harry Thomas

(*Continued on page 3*)

Majestic Men Favor Finishing Schedule

Majestic's board of directors, meeting at the St. Moritz Wednesday and Thursday decided to go through with production plans for the 1933-34 season as originally set up, it was learned yesterday. Eight pictures remain on the current schedule and one of several producers under consideration to succeed Phil Goldstone will be named next week.

Attending the sessions were Herman Gluckman, president; Alfred S.

(*Continued on page 3*)

LeRoy and Warner Nuptials Tuesday

Doris Warner, elder daughter of H. M. Warner, on Tuesday weds Mervyn LeRoy, the director. The wedding will take place at the Waldorf and the cer-

(*Continued on page 3*)

Mickey a Who's Who

Mickey Mouse probably will become well known now. He's listed in the latest issue of British Who's Who?

That puts him in a class with Lord and Lady Whatzis, Shakespeare and most of the other famous figures in the world.

U. A. Rescinds Salary Cuts; A New Year's Gift for 600

United Artists will start the new year off with a bang.

Effective Jan. 1, the company will restore cuts to more than 600 employes who received graduated reductions in salaries during the peak of the depression. The decision was made by Joseph M. Schenck, president, now in Europe, who cabled Al Lichtman to reinstate the pay slashes.

Employes in the lower brackets will receive the entire amount sliced from their envelopes while those in the higher brackets will be given only part of the cut.

Commenting on the move yesterday, Lichtman stated that the readjustments were being made in anticipation of better business in 1934. It is known he has always been an opponent of salary cuts. This was evidenced by the fact the United Artists was the last company to institute the cut and, when it was finally adopted, many small-salaried workers passed through the slash period unscathed.

Ontario Head Turns Down Censor Appeal

TORONTO, Dec. 29.—Requests of United States distributors' representatives for an appeal board to review rulings of the Ontario censor board have been turned down by the Government.

Prime Minister G. S. Henry says that the Ontario Government has no changes under consideration and that

(*Continued on page 4*)

Fox Foreign Heads In Conference Here

Fox foreign managers are holding product conferences with Clayton Sheehan, general foreign manager, at

(*Continued on page 4*)

New Dent Theatres Setup Is Approved

Approval of plans for delivery to Paramount Publix by a new company which will operate the Dent circuit, Texas, of two income debenture issues aggregating $1,500,000, and approval of the by-laws and charter of the new operating corporation was given yesterday by Referee Henry K. Davis.

The approval came when counsel for

(*Continued on page 3*)

Theatre Pass Tax Termed as Unfair

WASHINGTON, Dec. 29.—While film theatres continue to pay a Federal admission tax on passes, being required

(*Continued on page 3*)

Overhauling Needed in Industry, Says Brandt

By JOE BRANDT

I have read with interest some of the comments made by the executives and it seems to me that what we really need in this business—if it can still be dignified by that term — is a Moses to secure for us (from the Lord, if necessary) a new set of commandments, which are particularly applicable to it.

Or perhaps, I'm wrong. What may be needed is a "medical specialist" who can prescribe the proper remedy for the financial colics and the production indigestion which is so evident. Maybe it's a purge that's needed or a master operation. In my humble opinion, it's a toss up whether it's a bad moral epidemic or a result of gluttony.

Sure, there should be a note of optimism in every statement by every man connected with the business. If they don't advocate and holler for good times—who will? I honestly believe the industry, as a whole, will feel the effects of better economic conditions and an ever improving spirit of public confidence, but I also believe that in the same manner that Franklin D. Roosevelt has had to clean house and use drastic measures to throttle depression, the motion picture industry

(*Continued on page 3*)

Johnson Hits Men Who Sit On "Sideline"

Answers Lowell on Code Authority Stand

WASHINGTON, Dec. 29.—Criticizing "distinguished men of science and letters" for standing on the sidelines and "conjecturing results on purely academic considerations" instead of making an actual attempt to help in the government of codes, Recovery Administrator Hugh S. Johnson today sent to Dr. A. Lawrence Lowell a sharp response to the latter's letter declining to serve as a member of the Code Authority.

A. Lawrence Lowell

Indicating clearly his impatience with philosophic discussions as to

(*Continued on page 2*)

"Rio" in 2nd Week Topping Start-Off

First week records of Radio's "Flying Down to Rio" were broken on the first and second days of the picture's second week at Radio City Music Hall, RKO reported yesterday.

Figures for the picture's first and second day of its opening week were reported as $15,467 for Thursday and $14,080 for Friday. The second week's figures were given as $24,253 for Thursday and $13,600 for yesterday up to 4 P. M.

Foreclosure Ordered On St. Louis Houses

ST. LOUIS, Dec. 29.—Federal Judge Davis has ordered a foreclosure sale for the Ambassador, Missouri and New Grand Central Theatre buildings and furnishings to satisfy a defaulted bond issue. Nelson Cunliff, special master, will conduct the sale.

The sale will not interfere with operation of the houses under leases from a Federal court receiver.

No Paper Monday

Motion Picture Daily **will not publish on Monday, Jan. 1, New Year's Day.**

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12 Put on by U. A. To Exploit 2 Films

Twelve additions have been made to the United Artists exploitation staff to handle campaigns on "Roman Scandals" and "Gallant Lady" in key situations. Earle Griggs is in Atlanta, Charlie Moyer in Buffalo and William P. Bernfield in Kansas City to work on "Gallant Lady."

Those handling the Eddie Cantor film are: Bill Rudolph, Cleveland; Lee Chamberlain, St. Louis; Harry Rice, Albany and Rochester; Charlie Baron, Buffalo; Robert Long, Washington and Baltimore; Bill McGeehan, Boston; Mike Wilkes, Toronto and London, Canada; Ed Fisher, New Haven, and Manuel Greenwald, Pittsburgh.

Johnson Hits Men Who Sit On "Sideline"

(*Continued from page 1*)

whether codes will work, in advance of their testing, Johnson explained to Dr. Lowell what had been accomplished with respect to block booking and declared that "the question as to whether it will do the trick or not will not be answered by conjecture, but by test—all I asked of you was that you conduct the test."

Written 10 days after the receipt of Dr. Lowell's letter, which was dated Dec. 17, Johnson's communication evidenced that no further effort will be made to secure the educator's services on the Code Authority.

Johnson's letter to Dr. Lowell was as follows:

"Dear Dr. Lowell:

"Replying to yours of Dec. 18.

"You say that your refusal is based first on your statement that the block booking cause is monopolistic.

"All that my remarks on the limits of my authority to stop block booking and blind buying meant was that I cannot repeal the copyright laws on which these practices are based, and which, under our Constitution, were intended to create a monopoly for writers and authors.

"But we did get a voluntary concession of a 10 per cent cancellation clause. This whole procedure is experimental. I was able to negotiate this concession which I had no power to impose. I could not get more because I was unable to negotiate more. The question as to whether it will do the trick or not will not be answered by conjecture, but by test—all I asked of you was that you conduct the test. I thought you were the best man to do it because you are well known to have a poignant interest in the result.

"You object also because the Government representative has no vote. It is not important that the Government representative has no vote. He would have in every case a veto. This law is not intended to put the responsibility for industrial management on Government, but to give Government an absolute veto on what industry does. I would not have it otherwise. And neither, I think (on more mature reflection) would you.

"I am sorry you feel as you do, but I wish that you and other distinguished men of science and letters would get down into the sawdust with me and govern this thing in the day-to-day tussle of actual experience instead of standing aside and conjecturing results on purely academic considerations."

Division Administrator Sol A. Rosenblatt tonight left for New York to confer tomorrow with representatives of burlesque producers and motion picture operators, stage hands and musicians involved in disputes of wage scale differences in burlesque houses. Rosenblatt is acting as arbitrator in these cases by request, it was said at the Recovery Administration, the disputes having nothing to do with his duties as division administrator, and both sides have agreed to abide by his decision. Before returning to Washington, Rosenblatt will preside at meetings of the Code Authority Jan. 3 and 4.

Mrs. Frederick P. Bagley, president of the Massachusetts Council of Women and Children in Industry, reported in the press today as having declined to serve on the Code Authority because of the block booking provisions, is one of some 30 women whose names have been under consideration as possible members of the Authority, it was said. Mrs. Bagley, it was declared, had not been offered the post. Discussion of Mrs. Bagley's action was the first formal acknowledgment by the Administration that a woman was under consideration as a member of the Code Authority, as reported in MOTION PICTURE DAILY Dec. 14.

Deductible

Washington, Dec. 29.—Assessments for the support of code authorities and subordinate organizations, paid by producers, distributors and exhibitors, will constitute business expenses and as such will be deductible from gross in the preparing of income tax returns, it was learned today.

Trading Listless—Market Steady

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	24	24	24	.....	100
Consolidated Film Industries, pfd	10½	10⅜	10½	+ ¼	200
Eastman Kodak	80½	80	80	— ⅞	500
Fox Film "A"	13¾	13¾	13¾	— ⅛	200
Loew's, Inc.	28⅞	28½	28½	— ⅛	1,900
Paramount Publix	2	1⅞	1⅞	— ⅛	3,700
Pathe Exchange	1⅞	1⅝	1¾	+ ¼	800
Pathe Exchange "A"	11¼	11	11¼	+ ½	500
RKO	2¼	2¼	2¼	....	300
Warner Bros.	5¼	5	5	— ⅛	1,500

Curb Inactive—Technicolor Up ¾

	High	Low	Close	Net Change	Sales
Sentry Safety Control	⅛	⅛	⅛	.....	100
Technicolor	9	9	9	+ ¾	100
Trans Lux	2⅜	2⅜	2⅜	.....	100

Loew Bonds Show 4-Point Rise

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	3¼	3	3	— ¼	7
General Theatre Equipment 6s '40, ctf	3⅛	3	3	.....	3
Loew's 6s '41, ww deb rights	86	82	86	+4	15
Paramount Broadway 5½s '51	30	30	30	+ ⅝	2
Paramount F. L. 6s '47	30	30	30	.....	2
Paramount Publix 5½s '50	30	30	30	+ ½	3
Pathe 7s '37, ww	85	85	85	+ ¼	5
Warner Bros. 6s '39, wd	41½	40⅝	41½	+1	47

"Film War" Flareup Reported in Sydney

Cable reports of an outbreak of an "Australian film war" and plans for building three new theatres in Sydney are linked by observers here with the recent Australian visit of Arthur Loew and Joseph Vogel, coupled with the "hurry call" from Sydney received recently by Henry Moskowitz, now en route to Australia.

The cabled reports stated that General Theatres Corp. of Australia announced it would build a new theatre in Sydney, and that this announcement was followed by one from M-G-M to the effect that it would erect a $1,000,000 house in the same city. A third and unnamed company is also reported entering the melee with plans of its own for a third new house.

The state government of New South Wales has appointed F. W. Marks, Sydney city accountant, to conduct an investigation of charges made by exhibitors there that distributors threaten to force them out of business by exacting excessive film rentals, according to the advices.

Zukor Praises Work Of Cohen for Para.

Praise for the work of Emanuel Cohen, Paramount production head, was given yesterday by Adolph Zukor, president of the company, who said that Cohen's work has "the unqualified approval" of all the executives of Paramount. He added that Cohen, now vacationing at La Quinta, Cal., "would return to his desk within a few days to continue the fine work he has done as head of our producing organization."

Salesmen Party On

Reservations of more than 700 have been made for the annual M. P. Salesmen's dinner and dance to be held tomorrow night at the Plaza. Lillian Bond, Louis Calhern, Don Alvarado, Lita Roberta, Ivan Lebedeff, Wera Engels, Bert Lahr, Lillian Miles and Montague Love have promised to attend. Music will be provided by Herbert Steiner's Tasty Yeast orchestra. Meyer Solomon is in charge of the entertainment and Jack Ellis is handling publicity.

New Paramount Record

The Paramount Theatre, Thursday, broke its matinee record, according to Paramount officials, when 11,400 persons paid to see "Alice in Wonderland" on the screen and Mary Pickford on the stage. The previous matinee attendance record was 10,725 set by Mae West.

Kuykendall in N. O.

NEW ORLEANS, Dec. 29.—Ed Kuykendall, M.P.T.O.A. head and member of the Code Authority, is here to investigate Al Yeomans' allegation of contract violation by RKO for the Hanasa Temple Theatre, Meridian. Yeomans claims RKO had already sold Saenger.

Report Fox Sale Set

ST. LOUIS, Dec. 29. — Indications here are that receivers for the Fox have about completed their deal for the sale of the house. Among those mentioned bidding for it are Fanchon and Marco, the Skourases and the Balaban interests.

Overhauling Is Industry's Need—Brandt

(Continued from page 1)

will have to look the facts and the figures squarely in the face and then go to work to puts its house in order.

I'm no Moses to set down all the necessary "shall nots" to perfect a code of business ethics. Who knows but that a proper administration of the code and a liberal viewpoint by all interested parties may work out a set of new rules that will be the necessary motion picture Bible?

But even a code can't make better times for the industry. The only condition prerequisite to prosperity for the producer, distributor and the theatre owner is better and still better pictures.

Overseating has brought about the keenest kind of competition and the theatre with the good pictures gets the dough, while the rest hunt deer in the balconies and sometimes in the orchestra. How are you going to do it? I suppose, that's the question—okay. Here's my answer (and here's where the financial surgeon and the purging medical specialist come in):

Pay common-sense salaries to all executives and supervisors and supernumeraries and super-supers. Have a common sense understanding as to the value of plays, stories, actors, actresses, efficiency men, technical men and the horde of other experts. Make less pictures and make them better. Money doesn't make pictures. It's ideas and development of ideas that bring the customers into the theatre and it takes time to do the proper developing and embellishing.

If the industry must buy salacious stories and accept vulgar dialogue let some one be paid enough and have power enough to clean them up before they are sent forth to insult public intelligence and bring down the wrath of every decent-minded public organization upon the industry.

As far as the industry is concerned, there never was a truer saying than "Prosperity is just around the corner." It is just around the corner, but the industry cannot reach that corner unless it is willing to show a spirit of cooperation in all branches and to all branches.

New Dent Theatres Setup Is Approved

(Continued from page 1)

Karl Hoblitzelle of Dallas, operating partner for the 54 Texas and New Mexico houses, sought no changes in the plans submitted to the referee yesterday. The action had been delayed from the preceding day to await the arrival of Hoblitzelle's attorney.

The new corporation to operate the former Dent circuit can be set up at once as a result of the orders signed by Referee Davis yesterday. Hoblitzelle will acquire all of the Class A stock of the new company, for which he will pay the Paramount Publix trustees $50,000. All of the Class B stock will be held by Paramount, which also retains emergency rights to repurchase the A stock from Hoblitzelle.

Theatre Pass Tax Termed as Unfair

(Continued from page 1)

to collect them from the guests to whom they were issued, holders of similar passes to legitimate theatres are not required to pay the tax, it is pointed out by industry representatives here who are studying what they believe is a discriminatory provision.

The above situation developed through an amendment to the admission tax legislation at the time the Revenue Act of 1932 was embodied in the N. I. R. A. The amendment exempts from the tax the holders of passes to any performance of a "spoken play, not a mechanical reproduction, . . . lasting more than one hour and 45 minutes." The time provision leaves vaudeville and stage presentation houses outside its benefits.

The admission tax legislation was extended another year, to July 1, 1935, by the N. I. R. A. The Revenue Act of 1932 provided for expiration of the tax legislation July 1, 1934.

Red Faces

While police reserves held in check a large overflow crowd which waited on 50th Street in sub-zero weather yesterday for admittance to "Son of Kong" at the Roxy, RKO bookers who denied the Radio picture a Music Hall spotting looked quizzically at one another and blushed.

It was the largest-sized hold-over crowd the rival Seventh Ave. house has had in many a day.

Warners Starting Drive

Starting Monday, Warners-First National begins a two months' sales drive.

May Direct Grace Moore

HOLLYWOOD, Dec. 29.—Joe May, German director, may direct Grace Moore in his first for Columbia.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"I Am Suzanne"

(Fox)

HOLLYWOOD, Dec. 29.—If this were a European importation, it would cause the waving of shirts by critics and showmen. The production is fine artistically with plenty of box-office values that showmen can sell to the public. The story is of a dancer, Lilian Harvey, who, meeting with an accident, joins a puppet show and falls in love with a trouper, Gene Raymond, who handles the puppets. In a jealous pique she shoots a puppet. Realizing the girl is human, the boy helps the doctor cure her by his knowledge of muscles gleaned from making puppets.

"I Am Suzanne" is Miss Harvey's best performance to date. She has gaiety, spontaneity and sparkles with charm. The production has imaginative quality out of the ordinary to make it appeal to lovers of simple tales with a Walt Disney flavor. Interwoven with the story is the puppet show which is a novelty delight. The dream of the girl who shot a puppet and is tried by a jury of puppets is the highpoint combination of artistry, music and imagery. The puppet impersonations of Chaplin, Garbo, Will Rogers and Chevalier with the audience hearing Rogers' real voice should have definite box-office value.

Jesse Lasky has produced an emotional screen poem with box-office appeal. Rowland V. Lee's sterling direction maintains a fanciful mood in step with reality blending harmoniously with Lee Garmes' wonderful photography.

Gene Raymond as Suzanne's sweetheart, and Leslie Banks, as the artist's manager, deliver fine portrayals with the rest of the cast all good. The Piccoli Marionettes and the Yale Puppeteers should go big with youngsters of all ages. "I Am Suzanne" may be rated as an artistic triumph but by shrewd exploitation is apt to be a surprise at the box-office as well.

"The Last Round Up"

(Paramount)

HOLLYWOOD, Dec. 29.—"The Last Round Up" is a western with all the ingredients that have made westerns popular, plus Zane Grey's name and the haunting melody of the hit song. The picture has action, melodrama and love interest in the galloping Zane Grey manner.

The opening sub-title tells that even the old West had its gangsters and then visualizes a border legion gang holding up stages, rustling cattle, robbing miners. But even in those days crime didn't pay.

Monte Blue returns to the screen as the leader of the border legion. Barbara Fritchie is the love interest, Randolph Scott the romantic lead, Fred Kohler the menace and Fuzzy Knight the comedy.

Where westerns still have a vogue this one should do nicely, as the title song and Grey's name give it added draw values.

(Additional reviews on page 4)

Harry Thomas Is Made Head Of Federation

(Continued from page 1)

ing Mandel, vice-presidents for exchanges, and Charles L. Glett, treasurer.

The new board of directors consists of the officers and the following: Robert Savini, Nat Levine, P. A. Powers, David J. Mountan, Trem Carr, Armand Cohen, Claude Ezell, Harry Asher, Herman Gluckman, Larry Darmour, Robert Withers and three others yet to be named.

Those elected to the executive committee were Thomas, Johnston, Bellman, Gluckman, Glett, Savini and Powers, with the membership committee being made up of the following: Eddie Golden, chairman, Savini, Bellman, Mountan, Chadwick, Mandel, Ezell, Withers, Cohen and Asher. Appointed to the finance committee were Thomas, Johnston, Gluckman, Glett, Powers and Levine. Also appointed was a committee on standards, which will see that all production and advertising activities are kept on an ethical basis.

A committee composed of Bellman, Golden and Thomas was appointed to select a permanent executive secretary, who will give all his time to the organization. As soon as this post is filled search will be made for a location for the Federation's headquarters.

Schechter, Lotsch & Sulzberger, of which Jacob Schechter is head, was retained as legal representatives.

LeRoy and Warner Nuptials Tuesday

(Continued from page 1)

emony will be performed by Dr. S. A. Fineberg, rabbi of the Sinai Temple at Mt. Vernon, where the Warner family lives.

Jack L. Warner is due in from Hollywood on Tuesday and will act as best man. In the party are expected Leon Schlesinger, Irving Asher, Lou Halper and Perc Teeple and their wives. The couple is slated to sail on a world cruise aboard of *Empress of Britain* a few days after their wedding and will return to this country in June.

Majestic Men Favor Finishing Schedule

(Continued from page 1)

Krellberg, secretary and attorney; E. H. Goldstein, vice-president and general sales manager; William D. Shapiro, vice-president and Boston franchise holder; Tony Lucchese, Philadelphia; Tom Branon, Atlanta, New Orleans, and Charlotte; Jack Berkowitz, Buffalo; Bernard Mills, Albany; Joe Skirball, Pittsburgh; Morris Segal, Cleveland; Sam Berkowitz, California.

Weil to Coast Tuesday

Joe Weil, newly appointed assistant to Carl Laemmle, flies to the coast Tuesday to take up his new duties. On the same day Andrew H. Sharick succeeds him as director of exploitation of Universal.

New Shorts

"Screen Souvenirs"
(*Paramount*)

Another of the series showing scenes of the past, with views of New York and Brooklyn during the winter. The usual early "mellerdrama" is included, and with the off-screen dialogue, gets the usual quota of laughs. Running time, 10 mins.

"Conquests of the Air"
(*Fox*)

An "Adventures of the Newsreel Cameraman" subject showing shots of aviation in all its branches. Army planes are shown during various maneuvers and bombing practice. Civilian pilots come in for their share with views of air meets and speed trials. Closes with a series of crack-ups that grip. Running time, 9 mins.

'Killers of the Chapparal'
(*Astor*)

An interesting short for nature lovers. Concerns life in the wilds of the West. Interesting shots of various reptiles, birds and animals, all killers in search of prey. Most amusing shot of a pack of wild cats attacking a skunk, and being repelled by a gas attack. Running time, 17 mins.

"Season's Greetings"
(*Paramount*)

An entertaining short feature with Popeye, the Sailor, up to his usual prodigious feats of strength, much to the joy of Olivoyl, and to the dismay of the villain. In this one Popeye cavorts about a frozen pond, and at one time swims up a waterfall to rescue his sweetheart. Running time, 6 mins.

Fox Foreign Heads In Conference Here

(*Continued from page* 1)

the Fox home office. Numerous screenings are also being held.

Those attending so far are: Walter Hutchinson, managing director for Great Britain; Carlo Bavetta, managing director for France, Belgium and Switzerland; Harry Gell, southern Central Europe, and Arthur Ruscica, Chile.

F. H. Harley of Brazil, Victor Schochet of Argentina and Delbert Goodman, Far Eastern district manager, are expected next week.

Smith on His Own

Guy Croswell Smith, for 12 years general manager in Continental Europe for United Artists, who resigned several months ago, has formed a new company called Les Productions Cinématographiques Internationales, with offices in Paris. The organization will distribute American and foreign films in France and throughout the Continent of Europe.

McCoy Turns Engineer

HOLLYWOOD, Dec. 29.—Tim McCoy has arrived from New York and is ready to start in "Storm at Midnight," which will have the former cowboy as a telephone engineer. Harold Shumate is completing the script of the fifth McCoy for this season.

Looking 'Em Over

"A Man's Castle"
(*Columbia*)

Another artistic achievement for Frank Borzage, who directed this romance of derelict squatters with an attentive eye on the box-office. Rich in human appeal and handled with tender charm, this picture will without doubt meet unanimous approval of entertainment seekers. Spencer Tracy is excellent and elicits swell support from Loretta Young, who chalks up one of her best performances to date. Glenda Farrell, Walter Connolly, Majorie Rambeau, Arthur Hohl and Dickie Moore, in different difficult assignments contribute "ace" showings.

Befriending the destitute Miss Young, Tracy brings her to the squatters' community, where he begins housekeeping with her. Bitten by wanderlust, cocky, and not particularly interested in women, the hero manages to stick by the heroine until she tells him he is about to become a father. The urge to take to freight cars creeps up again. He takes flight, but returns in short order to marry Miss Young and give the baby a legal name.

Still planning to skip town, Tracy and Hohl attempt to rob a safe unsuccessfully. Hohl, fiendishly in love with the heroine, double-crosses his pal and believing him in the clutches of the law, returns to claim Miss Young. The hero returns to his wife, but before he gets a chance to even matters with Hohl, Miss Rambeau has already settled the score. Together, Tracy and his wife hop a freighter for adventure in a destination unknown.

MOTION PICTURE DAILY *on Oct.* 13 *reviewed the picture in flash form from Hollywood.*

"The Son of Kong"
(*Radio*)

Instead of being a wrecker and following in his father's footsteps, the son of Kong is a great help to the cast. He fights the mammoth beasts when they threaten the lives of the adventurers and is directly responsible for their leaving the island safe. The story lags up to the last two reels. It is mildly entertaining and probably will find better results with children than adults. The mechanics in operating the colossal creatures are well handled, even the shots showing Kong making goo-goo eyes.

Robert Armstrong and John Marston decide to quit the country to escape the after effects of Kong's rampage. They visit a tropical island hoping to pick up a load of cargo, but find the shipping business a flop. Frank Reicher, who found the original map of the island of Kong, inveigles them into returning to the island in hunt of treasure, his real purpose being to quit the island. At sea, Helen Mack is discovered as a stowaway, and when they reach the island, the crew starts a mutiny and leaves the principals to explore the island themselves.

They meet many dangers, but Kong helps them escape. He sacrifices his life during an earthquake to save Armstrong, the others having already taken to the lifeboat. The hunted treasure found and the drifters picked up by a passing steamer, Armstrong and Miss Mack decide to split their share as one.

"Dawn to Dawn," now current at the Little Carnegie, was reviewed as "Black Dawn" in MOTION PICTURE DAILY, *Oct.* 13.

"Dinner at Eight", yesterday's opener at the Capitol, was reviewed on Aug. 29.

"Design for Living", yesterday's opener at the Paramount, was reviewed by wire from Hollywood on Oct. 31.

"Lady Killer", yesterday's opener at the Strand, was reviewed by wire from Hollywood on Nov. 22.

"Smoky", last night's preview at the Mayfair, was reviewed by Hollywood wire on Dec. 4.

Frank Buck Returning

Frank Buck and Mrs. Frank Buck are scheduled to arrive in New York Jan. 4 on the *Rex,* hurrying home from Singapore to assist with the editing of "Wild Cargo," which he made for the Van Beuren Corp., and is scheduled for release by RKO Radio late in February. The balance of Buck's expedition, consisting of Armand Denis, director; Nicholas Cavaliere and Leroy Phelps, cameramen, and James Naulty, business manager, are returning by way of the Pacific and are scheduled to arrive in San Francisco Jan. 3.

Monarch in Chile Pact

Negotiations for distribution in Chile of four Monarch pictures have been closed with Thomas Garcia Co. of Santiago. The pictures are "Kiss of Araby," "The Fighting Gentleman," "The Penal Code" and "The Savage Girl."

Judell-Monarch Deal

CHICAGO, Dec. 29.—Midwest distribution rights for the current Monarch Productions schedule have been acquired by B. N. Judell, Inc., of this city.

New Shorts

"Easy Aces"
(*Vitaphone*)

A comedy built around bridge, featuring Jane and Goodman Ace, radio entertainers. Plot is laid around a bridge game played by teams with signals, and their misinterpretation. Mildly entertaining. Running time, 10 mins.

"Radio Roundup"
(*Paramount*)

With those well known comics, Molasses 'n' January, stars of the Show Boat radio hour, as masters of ceremonies, this short moves at a fast tempo. The radio stars, Vaughn de Leath, Mary Small, Anthony Frome, the Poet Prince and the Three X Sisters all display their talents. The song recording is exceptionally good. Running time, 10 mins.

"Harmonica Rascals"
(*Vitaphone*)

Another of the "Melody Masters" series featuring Borah Minnevitch and his harmonica band. Set in a boys' camp, with members of the band as inmates. Popular songs, set off by some comedy, and done in the typical Minnevitch style are presented. Running time, 10 mins.

"Movie Memories"
(*Vitaphone*)

A "Pepper Pot" showing scenes of old-time stars, and shots of early historical events, including the beginning of the construction of the New York subway, and the Johnson-Jeffries fight, accompanied by off-screen dialogue. Running time, 9 mins.

Ontario Head Turns Down Censor Appeal

(*Continued from page* 1)

the present censorship arrangement will continue.

J. C. Boylen, chairman of the censor board, asserts that importers of American films are annoyed because nudist pictures are being banned from the lucrative Ontario territory.

Cut Foreign Writer List

HOLLYWOOD, Dec. 29—Studio publicity heads meeting in the Hays office to check the list of Hollywood correspondents eligible to receive studio credential cards, cut 24 from the list of foreign correspondents, leaving a balance of 31 for the new quarter beginning Jan. 1.

Hurt in Train Collision

SAN BERNARDINO, Cal., Dec. 29.—Arlene Judge and her husband, Wesley Ruggles, were among those hurt when the Santa Fe Chief and a Union Pacific Limited were in collision here today. Their injuries were slight.

Bert Ennis Resigns

Bert Ennis yesterday resigned as director of advertising and publicity for Majestic. No successor has been named so far as could be learned last night.

Educ'l. to Start Nine

Educational will put nine shorts into production immediately after New Year's, it says.